

STATE OF CALIFORNIA  
MEETING OF THE  
CALIFORNIA INSPECTION & MAINTENANCE REVIEW  
COMMITTEE

Tuesday, June 27, 2006  
California Air Resources Board  
1001 I Street, Coastal Hearing Room  
Sacramento, California

1 **MEMBERS PRESENT:**

2 VICTOR WEISSER, Chairman

3 JUDE LAMARE

4 JEFFREY WILLIAMS

5 ROGER NICKEY

6 BRUCE HOTCHKISS

7 ROBERT PEARMAN

8 GIDEON KRACOV

9 PAUL ARNEY

10 JOHN HISSEIRICH

11  
12 **MEMBERS ABSENT:**

13 ELDON HEASTON

14 TYRONE BUCKLEY

15 DENNIS DECOTA

16  
17 **ALSO PRESENT:**

18 ROCKY CARLISLE, Executive Officer

19 JANET BAKER, Administrative Staff

20 STEVE GOULD, IMRC Consultant

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P R O C E E D I N G S

CHAIR WEISSER: Okay, I want to welcome everybody to this June 27, 2006, meeting of the Inspection and Maintenance Review Committee. I hope each and every one of you are enjoying this Spring-Summer as much as I am because it's been glorious. The first order of business, I'd like to ask Committee Members to introduce themselves and we'll start from the far left.

MEMBER NICKY: Roger Nicky.

MEMBER KRACOV: Gideon Kracov.

MEMBER ARNEY: Paul Arney.

MEMBER HISSERICH: John Hisserich.

MEMBER WILLIAMS: Jeffrey Williams.

CHAIR WEISSER: I'm Vic Weissner, the Chair.

MEMBER LAMARE: Jude Lamare.

MEMBER PEARMAN: Robert Pearman.

MEMBER HOTCHKISS: Bruce Hotchkiss.

- oOo -

CHAIR WEISSER: Very good. Our first order of business is to approve the minutes from our last meeting two months ago on April 25<sup>th</sup>. Have the Committee Members had a chance to review those minutes? Are there any suggested revisions? Can we have a motion from someone to approve the minutes? John makes a motion, seconded by Jeffrey to approve the minutes. Is there any discussion? Hearing

1 none, all in favor signify by saying aye.

2 ALL MEMBERS: Aye.

3 CHAIR WEISSER: Anyone opposed? None opposed, the motion is  
4 carried unanimously.

5 CHAIR WEISSER: Our next order of business before escorting Len  
6 out will be an Activity Report from our Executive Officer.  
7 Now some of you, before Rocky gets started, some of you  
8 might be wondering why we have these cleansing agents up  
9 here and also at the speakers' table. Apparently it's  
10 because the government correctly asserts that one of the  
11 leading causes of the spread of colds, the flu, and other  
12 sorts of viruses and bacteria is dirty hands. Dirty hands  
13 touch things that are out in the public domain like  
14 microphones, which are in turn touched by other dirty hands  
15 and people feed themselves M&Ms and you ingest somebody  
16 else's germs. So the Administration, I guess, has asked all  
17 state facilities, particularly those that are public to  
18 provide opportunities for disinfection. So you have these  
19 Clorox wipes. You can get them for like six boxes for five  
20 bucks at Costco. They're inexpensive and you can use them  
21 at home. And we also have to wash your hands, a hand  
22 sanitizer, but we do discourage people stripping down and  
23 taking baths and showers here at this meeting. But please  
24 feel free to use these as you so deem necessary. Mr.  
25 Carlisle, your report, please?

MR. CARLISLE: Thank you, Mr. Chairman, Members of the Committee. First of all, back in May, we finalized the infamous response to Assemblywoman Shirley Horton. That was mailed off on May 2<sup>nd</sup>. It's my understanding through various sources it's getting a lot of play in the Governor's Office and the State and Consumer Service Agency and various other entities, both public and private, so that is out there. I also worked with Dan Shaw on AB1870, the Smoke Bill. As you may know, that recently passed through the Senate Transportation Committee with some minor amendments. I worked with Steve Gould and Jeffrey Williams to complete the vehicle registration analysis and Jeffrey is going to give a presentation on that this morning. It's got some fascinating findings so far. We're not done with it, it's still a work in progress, but it's got some good information. I also completed the draft report and sent copies to the Committee Members about two weeks ago for comments and I have received a number of comments. I have not as yet incorporated those into the report because I didn't want everybody today to have a different copy that they hadn't read. So there's a number of good recommendations I might add, and there's other issues that we may want to include in this report. I also had a call from Jennifer Gress (phonetic) with the Senate

1 Transportation Committee on two issues; one was the fuel  
2 evaporative testing procedure, and also, the Smoke Bill. So  
3 we had a discussion and there was a minor amendment like I  
4 say, recommended by her, but I don't think it's a problem  
5 for the Smoke Bill. Dennis DeCota also called me, one of  
6 our Committee Members, and wanted to discuss a couple of  
7 other items for the report, not necessarily this report. My  
8 suggestion was instead of further delaying this report, that  
9 we get this one concluded and then delve into those other  
10 issues. But the issues are those that we've been talking  
11 about for some time. For example, quantifying the  
12 effectiveness of test-only, test-and-repair, and Gold  
13 Shield, looking at the high-emitter profile to see how  
14 accurate it was and things like that. I have included those  
15 on the subcommittee assignments for discussions when we get  
16 into the report this morning. And last, but certainly not  
17 least, as you already mentioned, we did purchase the hand  
18 sanitizer and the sanitary wipes for the equipment so  
19 anybody's free to use those as they see fit. And that  
20 concludes the Activity Report.

21 CHAIR WEISSER: Any questions? Rocky, are you going to give us  
22 any more information on legislative activity?

23 MR. CARLISLE: That's where I was going next.

24 CHAIR WEISSER: Thank you.

25 - o0o -

1 MR. CARLISLE: There's a number of bills that are still active,  
2 amazingly. One is Assembly Bill 226; that's the Technician  
3 Training Fund. I've actually mischaracterized that in my  
4 remarks. What I meant to say was that fund, first of all,  
5 does set aside ten percent of the VERF reserve fund for  
6 reimbursing community colleges and public institutions that  
7 deal with automotive technology. But the \$100,000 is really  
8 for BAR to administer that fund. The schools are  
9 essentially - they can be reimbursed for as much as ten  
10 percent or \$50,000, whichever is greater. And that too,  
11 passed the Senate Education Committee the other day and it's  
12 on to the Senate Appropriations Committee.

13 CHAIR WEISSER: Before you move on Rocky, I note that we have  
14 not taken a position on this bill to date?

15 MR. CARLISLE: We have not. We had discussed it a while back,  
16 but there had been no motion to take a position on it as  
17 yet.

18 CHAIR WEISSER: Do you have a recommendation to this Committee  
19 regarding this bill?

20 MR. CARLISLE: I don't know the exact amount of money, but it  
21 seems to me it would be worthwhile since they can be  
22 reimbursed for expenses. And as a result, I think it would  
23 be worthwhile to support this bill.

24 CHAIR WEISSER: Does the Bureau have a position on the bill?

25 MR. CARLISLE: That I do not know.



1 CHAIR WEISSER: Is there anyone in the audience from the Bureau  
2 who could enlighten us in that regard? This is on AB226.

3 MALE: (inaudible)

4 CHAIR WEISSER: So the fundamental question is does this  
5 Committee support the notion of providing a slice of the  
6 VERF to support technician training for folks to enter or to  
7 build upon their skill set in order to be qualified  
8 automotive technicians; is that correct?

9 MR. CARLISLE: Yes. The only difficult portion of this bill is  
10 the committee - it sets aside to administer and approve the  
11 funds. It is a committee, it's the BAR Advisory Group and  
12 basically the way the bill is cast currently, they have to  
13 basically recommend and approve the funds.

14 CHAIR WEISSER: And you don't think that's a good idea?

15 MR. CARLISLE: Well, I don't know that that's - you know, if you  
16 have special interests on that committee, which there's  
17 going to be because it sets out specific positions, I don't  
18 know if it's the best methodology.

19 CHAIR WEISSER: Our next meeting is July 20-something or other,  
20 right?

21 MR. CARLISLE: Correct.

22 CHAIR WEISSER: And it's likely this bill will be - what is the  
23 likelihood that the bill will have moved by then? Well, I  
24 guess, Rocky, what I'd suggest is we further explore with  
25 BAR their thoughts regarding the measure and bring this back

1 to us with your recommendation regarding whether or not we  
2 should take a position, including your judgment associated  
3 with the use of this Committee, rather than the Chief of BAR  
4 as the dispensing agent. I can understand why it might be  
5 desirable to have a committee that has interests represented  
6 involved in the allocation, but I guess you have a concern  
7 that those interests in fact, might end up skewing how the  
8 funds get approved and that's something that we need to  
9 consider. Robert?

10 MEMBER PEARMAN: Just a question. Is to also find out,  
11 presumably there might be more than \$100,000 worth of people  
12 requesting reimbursement, so do they have criteria to figure  
13 out how to prioritize or decide in limited fund situations  
14 who would get it? It would be helpful to know in terms of  
15 how this other committee might be -

16 MR. CARLISLE: If I'm not mistaken, the \$100,000 is to  
17 administer the program. That's not the amount of  
18 disbursements that are allowed.

19 CHAIR WEISSER: It's just misworded.

20 MEMBER PEARMAN: Oh, okay. Do you have some sense of what  
21 amount they're talking about?

22 MR. CARLISLE: Not at this time, no.

23 CHAIR WEISSER: Well, how much is in the VERF now, how much does  
24 the VERF get annually, about?

25 MR. CARLISLE: It's over - I think the VERF itself is about

1       \$80 million.

2 CHAIR WEISSER: It would be \$8 million dollars?

3 MR. CARLISLE: As the reserve fund. I don't know what the  
4 reserve fund is. That's what I'm lacking.

5 CHAIR WEISSER: Okay. So we need to get a better sense of how  
6 much money we're talking about. I personally am quite  
7 supportive of the notion of using a slice of the VERF to  
8 invest in technician training because I think the success or  
9 failure of this program rests in large part on having a  
10 highly qualified group of people who work on automobiles. I  
11 want to hear more about your concerns associated with the  
12 use of the Advisory Committee as the allocating agent or as  
13 a part of the allocation process. Another thing I'd suggest  
14 is just to send a PDF of the bill out to everyone on the  
15 Committee so they get a chance to actually look at it.

16 MR. CARLISLE: Okay.

17 CHAIR WEISSER: And if you would chat with the staff of the next  
18 committee it's going to or the - I guess it got out of  
19 policy, so the policy committee to see what they're analysis  
20 was. I'd like to see that, too.

21 MR. CARLISLE: Okay.

22 CHAIR WEISSER: Okay? Okay. Please move on.

23 MR. CARLISLE: The next bill is Assembly Bill 386 by  
24 Assemblywoman Lieber that seeks to move authority for the  
25 Smog Check Program from the Bureau of Automotive Repair to

1 the Air Resources Board. As I understand it, there's been  
2 absolutely no movement on that. It's kind of fallen out of  
3 favor and so I don't think that's going anywhere at this  
4 time.

5 CHAIR WEISSER: I think like the wicked witch of the west, it's  
6 - was it really dead; truly, really dead? How does that go?  
7 The idea lingers.

8 MR. CARLISLE: Yes, the idea is still out there.

9 CHAIR WEISSER: Okay.

10 MR. CARLISLE: The next one is Assembly Bill 578 by Horton. And  
11 the Horton Bill would require BAR to evaluate all Smog Check  
12 stations on a quarterly basis. That was originally going to  
13 allow some of the directed vehicles to be tested the first  
14 time at Gold Shield, but that one had been withdrawn. The  
15 hearing was canceled at the request of the author and it's  
16 my understanding that that one is going nowhere at this  
17 time. The next bill is 1870 by Assemblywoman Lieber again  
18 and that's the visible smoke test that holds a lot of  
19 promise. It did get a minor amendment in committee. The  
20 one that everybody was trying to keep out was low-income  
21 waiver and the low-income waivers administered at this time  
22 is if a low-income consumer has an estimate of \$250, they  
23 get a waiver, so absolutely no money has to be spent. But  
24 since CAP is out there, there's a much larger benefit for  
25 the Consumer Assistance Program, the vehicle could go

1 through the CAP program. But essentially, the way this  
2 works now is if a vehicle fails for the smoke test, it can  
3 receive up to \$1,500 in repairs. Actually, BAR will pay up  
4 to \$1,500 or 90 percent of the repair bill. If the worth of  
5 the vehicle is less than the cost of repairs, then they will  
6 pay anywhere from 50 to 75 percent of the total repair cost.  
7 So there's a significant benefit to that. I haven't talked  
8 to anybody from Senate Appropriations, but when I talked to  
9 Assemblywoman Lieber's office, they're fairly certain that  
10 this is going to pass.

11 CHAIR WEISSER: Does the Bureau have a position on this, if you  
12 could nod your head?

13 MALE: (inaudible)

14 CHAIR WEISSER: Okay. Is there an unofficial position that  
15 you'd care to share with us?

16 MALE: (inaudible)

17 CHAIR WEISSER: The Bureau is responding in their very  
18 diplomatic way. It would be always helpful for us to know  
19 if you have any thoughts that we should be aware of  
20 regarding measures like this. This has gotten complicated.  
21 In order to deal with the cost implications, particularly  
22 for low-income people, but I still think it's headed  
23 generally in the proper way.

24 MR. CARLISLE: One other important provision of this bill that -  
25 again, it got through the Senate Trans, was that it

1 eliminates the test-only qualification for CAP repairs and  
2 as a result, I haven't done the cost comparison, but I  
3 wouldn't be at all surprised if that one benefit more than  
4 pays for the increased cost of failing smoking vehicles.  
5 Because over 50 percent of the CAP cars now are test-only  
6 eligible and not low-income eligible.

7 CHAIR WEISSER: Just for clarity and for the record, what that  
8 means is that a very wealthy person who is directed to a  
9 test-only station gets subsidized by the State for any  
10 repairs that might be required if his vehicle or her vehicle  
11 fails; is that right?

12 MR. CARLISLE: Yes.

13 CHAIR WEISSER: A terrible waste of money, of public funds.

14 MR. CARLISLE: Okay. AB1997 is the next one. That is basically  
15 a pilot program in the San Joaquin Valley to address gross-  
16 polluting vehicles. It seeks to remove gross-polluting  
17 vehicles by replacing them with a cleaner-burning vehicle.  
18 Once again, that's received amendments. It was going to be  
19 administered by the Bureau of Automotive Repair, now the  
20 bill has been changed to require the ARB to develop a  
21 voluntary program and be administered by the San Joaquin  
22 Valley Air Pollution Control District. In addition, it also  
23 limits the amount of exchanges to 200 vehicles per year and  
24 that is on to the Senate Transportation Committee. The last  
25 one is AB2249. That was going to modify the test-only

1 technician qualifications, but I spoke to the Assemblyman's  
2 office yesterday, and that one is pretty much DOA. And that  
3 concludes the leg update.

4 CHAIR WEISSER: Thank you very much. Any questions from  
5 Committee Members?

6 MEMBER PEARMAN: I have one question.

7 CHAIR WEISSER: Please, Robert.

8 MEMBER PEARMAN: On the AB 1997 again, what do they expect the  
9 source of the donated vehicles to come from and what is the  
10 incentive to donate vehicles under that bill?

11 MR. CARLISLE: That's kind of unclear in the bill. They're  
12 assuming that some people are going to donate cleaner-  
13 burning vehicles through various State agencies or other  
14 means and that those could go to the people turning in the  
15 gross-polluting vehicles.

16 CHAIR WEISSER: Perhaps private fleets might -

17 MR. CARLISLE: Yeah.

18 CHAIR WEISSER: - be donated for tax purposes, I don't know.

19 That's the question that kind of tickled my interest when  
20 the bill was first introduced and why I think its prospects  
21 for actually doing much are somewhat limited.

22 MR. CARLISLE: Right. That bill replaces AB184 because 184 was  
23 going to be a statewide program to do the same thing. And  
24 it's supposed to be a pilot, so they did limit not only the  
25 geographical area but also the amount of time.

1 - o0o -

2 CHAIR WEISSER: Thank you very much, Rocky. Well, we'd now like  
3 to hear from the agencies, an update on things that are  
4 going on. Perhaps first BAR might share their thoughts of  
5 what's occurred in the last couple of months that would be  
6 of interest to the Committee and to the public.

7 MR. COPPAGE: Do I do this before or after?

8 CHAIR WEISSER: I really - that's too much of a soft ball for me  
9 to take a swing at.

10 MR. COPPAGE: Mr. Chair, Committee, good morning. I'm Allan  
11 Coppage with the Bureau of Automotive Repair. It's nice to  
12 be back after missing last month's meeting. There are four  
13 topics we'd like to cover today, one of which we have spoken  
14 about in the past, the BAR's Public Outreach Program. I  
15 believe Chair Weisser requested that I present some  
16 information on BAR's efforts of reaching out to consumers  
17 and I will do that today. However, I'd like to start with  
18 an accomplishment that BAR has just recently gotten almost  
19 over the hill on, on the transition of our communications  
20 contractor, what we call NGET, the SGS Testcom Company has  
21 taken over our communications and I'm very happy to say  
22 today that every Smog Check Station in the State of  
23 California is operating well on the new system. That's  
24 really wonderful. We are in what they call the  
25 stabilization period of the program. This is kind of where



1 we iron out the wrinkles. The parallel was drawn as to a  
2 little bit like the difference between the house is done and  
3 the final inspection, the contractor doesn't get his final  
4 check until everything is working fine. I kind of think  
5 we're in that at this point. So the stations are, as I  
6 said, there's been no change in how the consumers are  
7 receiving their smog inspections or their certificates. DMV  
8 is receiving every certificate that the stations are issuing  
9 to vehicles. Everything's working just fine, so we're  
10 moving on to hopefully a successful contract with SGS.

11 CHAIR WEISSER: And then the station operators didn't report any  
12 sort of unusual number of problems with it? You're always  
13 going to have some issues.

14 MR. COPPAGE: By and large, it was a very seamless transition.  
15 We had done a bunch of upfront work, I had shared with the  
16 Committee over the last few months, that during our quality  
17 assurance inspections, all of our field operators had  
18 visited with the stations and gone over in preparation for  
19 this change what they needed to do. So the vast, vast  
20 majority of the stations, they went into their machine, they  
21 changed the phone number and that was it. They just called  
22 a different phone number. That was really the extent of it.  
23 It wasn't quite that simple in some instances where people  
24 were confused about how to do it or what to do, those kinds  
25 of things. But again, by and large it was a very seamless

1 transition from the stations' side.

2 CHAIR WEISSER: Well, I will offer on behalf of the Committee  
3 our congratulations.

4 MR. COPPAGE: Thank you.

5 CHAIR WEISSER: These sorts of things are never easy and the  
6 fact that you were successful in making this sort of switch  
7 without articles appearing in the paper and on the talk  
8 shows is quite wonderful, so congratulations.

9 MR. COPPAGE: Very good, thank you. Moving on to low-pressure  
10 evap, we have discussed this in the past, but low-pressure  
11 fuel evaporative testing workshops have been completed.  
12 They were completed in the April and in the May deadline for  
13 public comment, we received all of the comments. They're  
14 currently compiling them and a report of those comments will  
15 be available by the end of this month, available to the  
16 Committee. So we'll know all of the inputs, all of the  
17 verbal comments. They were all recorded and transcribed, so  
18 we know the public comments that were offered prior to that.  
19 The manufacturers of the testing equipment also will be in  
20 receipt of the comments that were made. They've gotten some  
21 preliminary information because many of their  
22 representatives were at the meetings to hear firsthand. The  
23 next step is the drafting of the regulations. That's  
24 obviously a very big step and that process is progressing in  
25 its early stages as we work through that drafting of those

1 considering the initial comments.

2 CHAIR WEISSER: So you're not approaching these sequentially.

3 There are opportunities to prepare a draft of the draft-  
4 proposed regulations, modify that based upon the comments  
5 that you received and you agree with.

6 MR. COPPAGE: Yes.

7 CHAIR WEISSER: Okay.

8 MR. COPPAGE: Yes, and the regulations will remain draft until  
9 they're approved by the Office of Administrative Law.

10 CHAIR WEISSER: Right.

11 MR. COPPAGE: They're draft regulations. So we are again  
12 considering the comments that were made at the public  
13 workshops that preceded this. And once those regulations  
14 are drafted, they will posted and then the official public  
15 comment on the draft regulations will commence. And there's  
16 a period of time that takes place where everyone can read  
17 what the proposed regulations are and comment after that.  
18 And there is not a definite date set at this point for the  
19 implementation of or the draft regulations, however, based  
20 on historical trips down this similar path, we're expecting  
21 the implementation of low-pressure fuel evap some time in  
22 the 2007 year. That's just kind of a projection into the  
23 future, but based on our past experiences, that's what this  
24 kind of thing usually takes.

25 CHAIR WEISSER: Closer to today's timeframe, what's your

1 projection for the actual submittal of the draft regulation  
2 to OAL?

3 MR. COPPAGE: We do not currently have a date for that. It's a  
4 little early in the process.

5 CHAIR WEISSER: A little early in the process?

6 MR. COPPAGE: They have just have not been completed and  
7 submitted and I do not have an estimated date for that.

8 CHAIR WEISSER: Okay. Would you keep us informed at the next  
9 meeting where things are on that? Thank you.

10 MR. COPPAGE: All right. Moving on to public outreach. This is  
11 the issue that, again, Chair Weisser requested of me to  
12 bring to the Committee the highlights of what BAR is doing  
13 to reach out to consumers relative to what we do, our  
14 services, and I come bearing gifts. I've got goodies on the  
15 back table that the Committee, at a break, can go by and  
16 peruse. A number of our publications, our posters, our  
17 handouts, things that we offer as the BAR interacts with  
18 consumers. And I'll be happy to give you each a tire gauge.  
19 We talked a little bit about PSI a few months ago and how  
20 that affects fuel mileage and emissions, so you're welcome  
21 to take one of those as well. I'll talk about how BAR  
22 reaches out to consumers and this is going to be a little  
23 lengthy, but I've done my best to pare it down to a point  
24 where we cannot get bogged down in it. In 2005, the Bureau  
25 of Automotive Repair's outreach plan was finalized and the

1 outreach plan encompasses a number of things, both  
2 internally and externally. And externally, primarily, it's  
3 how we interact with consumers. How do we reach out and  
4 offer our services to the requirements of the Smog Check  
5 Program, and the Bureau as a whole, as well, so it's not  
6 just Smog Check. It's all the areas. We ensure that BAR  
7 and DCA, our outreach messages are integrated, everybody's  
8 on the same page. We like to use the talents and skills of  
9 the BAR staff to accomplish this. We have a lot of very  
10 skilled people that work for the Department of Consumer  
11 Affairs and Bureau of Automotive Repair. We like to take  
12 advantage of those skills and that expertise to share. And  
13 lastly, the grass roots approach to raise consumer awareness  
14 about the marketplace problems and the Consumer Assistance  
15 Program. I know that's been a real hot topic, obviously,  
16 that we have already spoken about with some pending  
17 legislation as well. We have an 800 number in our CIC, our  
18 Consumer Information Center, where consumers across the  
19 state can call in and ask questions, soup to nuts. Ask us  
20 anything. If it's within our jurisdiction, we're going to  
21 be able to act on it. And oftentimes, things outside of our  
22 jurisdiction we can just assist them in guiding them to the  
23 correct areas. Printed materials, such as I have on the  
24 back table, again you can peruse that. BAR information  
25 regarding Smog Check and DMV registration, anybody who gets

1 a letter from DMV with the registration renewal in it,  
2 there's information regarding BAR, navigating the Smog Check  
3 system. Printed material about CAP programs, both the  
4 repair assistance side and the vehicle retirement side of  
5 consumer assistance at the Smog Check stations throughout  
6 the state so that when consumers encounter opportunities to  
7 participate in CAP, there is printed material available to  
8 them at that site.

9 CHAIR WEISSER: Excuse me. Every station carries this material?

10 MR. COPPAGE: Test-only stations and Gold Shield stations.

11 Those are the two stations where people that would be taking  
12 advantage of those services would be going.

13 CHAIR WEISSER: Yes.

14 MR. COPPAGE: Our BAR web page is a vast resource for  
15 information. As with any web page, it takes a little bit of  
16 navigation skill, but we have attempted to make it as user-  
17 friendly as we can, and as I hear the projectors fire up, I  
18 think Rocky's going to pull up our page for us. And I don't  
19 want to get too far off on this, but I just want to bring to  
20 mind a couple highlights that may be of interest to the  
21 Committee as well as those in attendance here today, links  
22 that the BAR web page has to assist you. As you can see,  
23 the biggest box on the front of the page is the Breathe  
24 Easier campaign. Can you all see that?

25 CHAIR WEISSER: Yes.

1 MR. COPPAGE: Oh, good, okay. And again, on the left-hand side,  
2 it's laid out as most state pages are. We have links to  
3 information that consumers can, from the comfort of their  
4 home -

5 CHAIR WEISSER: Thank you.

6 MR. COPPAGE: - click on. Particularly, we have highlighted  
7 right on the left-hand side the Inspection and Maintenance  
8 Review Committee. That would be a little plug for you. The  
9 BAR Advisory Group which -

10 CHAIR WEISSER: Could you see if that is an active link? Click  
11 the Breathe Easier thing. Yes, go back please. I'm just  
12 curious. Okay. Thank you.

13 MR. COPPAGE: So again, not to be bogged down and clicking on  
14 every link and playing with every page that comes up, I just  
15 wanted to show that, for those on the information  
16 superhighway, which we have an increasing number of those as  
17 the days go by in our state, as well as in our country and  
18 our world, information is available at the click of a  
19 button. We have online complaint forms, we have online  
20 applications, we have taken great pride in creating this as  
21 an option and a portal for consumers to plug into the  
22 Department of Consumer Affairs, and the whole State as well.  
23 As you can see, the Governor's page is linked there. You  
24 can go directly to the Department and so on and so on.

25 CHAIR WEISSER: Can you take a break right now? Can you click

1 on Smog Check, would you, Rocky? And we're now - how do I  
2 navigate to find out State assistance? Would I go to Help,  
3 I Failed My Smog Check?

4 MR. COPPAGE: Help, I Failed My Smog Check. And as it starts,  
5 do I really need a Smog Check, what kind do I need, what do  
6 I do, help I failed. There's information that takes you  
7 from beginning to end.

8 CHAIR WEISSER: I guess I want to know how many clicks it's  
9 gonna take me to know - to find that there's a Consumer  
10 Assistance Program for low-income people.

11 MR. COPPAGE: It looked like - once you're on the page, it looks  
12 like two. You click on Smog Check and then you click on  
13 Help I Failed and Consumer Assistance is right there. It  
14 looks like two clicks.

15 CHAIR WEISSER: Where's Consumer Assistance?

16 MR. COPPAGE: Right in the middle of the page. The Consumer  
17 Assistance Program offer to Gold Shield.

18 CHAIR WEISSER: Ah, see it.

19 MR. COPPAGE: If I counted right, that's two clicks. Right,  
20 Rocky? Okay.

21 MEMBER WILLIAMS: I've been using this just to check some data.  
22 It's a really helpful, well-done web page.

23 CHAIR WEISSER: Cool.

24 MR. COPPAGE: Very good.

25 MEMBER WILLIAMS: Thank you. And you might look at what I'm



1        talking about. Go back and query a vehicle history and how  
2        easy that is. I'm curious how many - do you have any record  
3        of how many people actually use this?

4 CHAIR WEISSER: Oh, they must.

5 MEMBER WILLIAMS: Put in 2GKM228, just sometime later.

6 CHAIR WEISSER: Is this your Ferrari?

7 MEMBER WILLIAMS: Yes, this is my Ferrari.

8 MR. COPPAGE: It's been awhile, Dr. Williams, since I heard the  
9        number of hits. At the time I heard it, the number was  
10       staggering.

11 MEMBER WILLIAMS: Yes.

12 MR. COPPAGE: And I do not have current numbers on it.

13 MEMBER NICKEY: We use it almost daily and it's mostly in  
14       response to people calling up and saying I got my Smog Check  
15       there, but DMV doesn't have my certificate, so you guys must  
16       have screwed up. So I say the first thing you should is go  
17       to web site, and I give it to them, and look up smog  
18       history, and you'll see the same information I have. It was  
19       transmitted immediately.

20 MR. COPPAGE: Yes, there you go.

21 CHAIR WEISSER: Roger, I'm going to ask that you, when you  
22       speak, identify yourself so the transcriber knows who's  
23       talking. Thank you.

24 MEMBER NICKEY: That was comments by Roger Nickey.

25 MEMBER WILLIAMS: Just look what this gives and especially the

1 certificates.

2 MR. COPPAGE: Exactly. There's no dispute. This is a very  
3 important consumer-protection tool for a person who  
4 potentially is purchasing a vehicle to make sure that all is  
5 on the up-and-up. This can encompass many different things,  
6 from salvaged vehicles that may have been salvaged, taken  
7 out of the pool, put back in, which happens, oftentimes, and  
8 there is a legal mechanism to do that. But people need to  
9 be made aware of what they're dealing with and this page is  
10 very helpful in doing that.

11 CHAIR WEISSER: Well, we're all looking forward to seeing this  
12 vehicle scrapped and no longer in your program.

13 MR. COPPAGE: This is the infamous Golf, our study car.

14 MEMBER WILLIAMS: Yes, our study car.

15 MR. COPPAGE: Good. Very well. And again, I encourage and  
16 invite the Committee to spend time on the BAR web page, as  
17 well as the Department's web page to just further your  
18 knowledge of what is available. And again, it's a  
19 staggering amount of information. Let's move on a little  
20 bit to our Public Outreach, things that our Public Outreach  
21 has been doing. Basically attending functions all across  
22 the state, from our field offices to our Public Outreach  
23 group within the Department, all of the visits that they  
24 make out into the industry, I'd like to highlight just a few  
25 of those things. Through March, April, May, and June, there

1 were a number of activities that I'd just like to highlight  
2 if I may. In March, the Valley Clean Air Now group  
3 sponsored a tune-up event in the Bakersfield area. BAR  
4 engineering staff offered the use of our remote sensing  
5 devices to promote the event and test cars. There were more  
6 than 500 vehicles that went through this remote sensing  
7 device and the neat part about this, if the vehicle's failed  
8 emissions, this Valley Clean Air Now group provided repair  
9 vouchers to be used at local Gold Shield stations.

10 Initially, local BAR staff distributed some Breathe Easier  
11 and CAP applications. So that was a really good focus event  
12 for the people of Bakersfield. Then moving into April, BAR  
13 participated in the Western Riverside County Car Care for  
14 Clean Air focus. This event occurred in five different  
15 cities in Western Riverside County. We distributed BAR  
16 publications and our referee contractor offered free  
17 emissions inspections for vehicles that were down there, let  
18 consumers know what the state of their vehicles were.

19 Additionally, Earth Day, Earth Day events at Sac State.  
20 Many of us were aware of that since we're local. It was  
21 sponsored by a parent-teacher association at a local  
22 Sacramento high school and the State agency exposition was  
23 sponsored by Senator Bob Margett promoting the services  
24 provided by State agencies. Again, get the word out to  
25 consumers. In May, BAR attended a regional occupation

1 program, a vocational education program here in Sacramento.  
2 We actually judged that program, the testing of the  
3 technicians at the end of that. It was at Shasta College up  
4 in the Shasta area. We distribute information at Sacramento  
5 County Fair, so on and so forth. There's many, many things  
6 that we're involved in. And lastly, the Director of the  
7 Department of Consumer Affairs, Charlene Zettel, was the  
8 keynote speaker at the Fresno Business Leaders' Expo in the  
9 Central Valley and that event offered BAR the opportunity to  
10 promote the Breathe Easier Campaign, which is a great  
11 emphasis for us. And they had a live car crush performed by  
12 the CAP program, which is always a very neat thing. Which  
13 just takes me also right into the upcoming State Fair at the  
14 Exposition here in Sacramento. We will again have what we  
15 did last year, a live car crushing event each evening, a  
16 very, very popular program. The outreach, while we had  
17 moved from one area to another and we were a little  
18 concerned about the traffic, boy, when the word went out  
19 that there was going to be a car crushed, there were a lot  
20 of eight-year-old boys out there with big eyes watching for  
21 this. Many other people as well, but watching the eyes of  
22 the people in the audience really drove home the message  
23 that older cars with higher mileage - Jeffrey's already  
24 shaking his head, pollute more than newer cars with newer  
25 technology. And we had a display that I thought was

1 particularly powerful. It was a lexand (phonetic) cylinder  
2 filled with representative black soot that showed what this  
3 vehicle had - what had been removed from the air because we  
4 crushed this car, in a year. It gave somebody a real visual  
5 to say, yuck, we're getting rid of that. That was a very  
6 powerful thing. It elicited a lot of comments, you mean my  
7 car really does that?

8 CHAIR WEISSER: Was it taped? Do you have a tape of this we  
9 could send to Jeffrey?

10 MR. COPPAGE: I don't believe we had a tape of the actual event,  
11 but come to the State Fair, it's going to be there again.  
12 Again, it was a very powerful presentation. Those are the  
13 highlights of our Outreach Program.

14 CHAIR WEISSER: May I ask a question at this point?

15 MR. COPPAGE: Yes.

16 CHAIR WEISSER: You had a tire pressure thing?

17 MR. COPPAGE: Yes. We've got a bunch for everyone.

18 CHAIR WEISSER: How many do you have?

19 MR. COPPAGE: I've got a whole handful.

20 CHAIR WEISSER: No, I'm talking do you have 10 million?

21 MR. COPPAGE: No, probably not that many, but there's a lot.

22 We have enough to handle the State Fair for the length of  
23 its run, thousands of them.

24 CHAIR WEISSER: Do you have any sense of how much - how much did  
25 you guys pay for them?

1 MR. COPPAGE: I don't know.

2 CHAIR WEISSER: Can you find out and email me?

3 MR. COPPAGE: Sure, sure. They're reminders for everyone. I'd  
4 be happy to get that if I can.

5 CHAIR WEISSER: You know, quite frankly, I'm up for the notion  
6 of kicking around the thought of if you have to take a Smog  
7 Check, you get a tire gauge funded by this State.

8 MR. COPPAGE: I'll be happy to get that number for you.

9 CHAIR WEISSER: I've been trying to do that for a hundred years.

10 MR. COPPAGE: Okay. Moving on to the last point I have is the  
11 Consumer Assistance Program. I'd like to share just a few  
12 highlights with you of the Consumer Assistance Program as to  
13 what's happened over the last year. The current fiscal  
14 year, 2005/2006, which is rapidly coming to a close on us,  
15 the repair assistance side of Consumer Assistance has -  
16 will, by the end of this month, repair approximately 36,000  
17 vehicles that have failed their Smog Checks and we will  
18 retire a few more than 15,000 vehicles.

19 CHAIR WEISSER: Wow.

20 MR. COPPAGE: That's for 05/06.

21 CHAIR WEISSER: That's great.

22 MR. COPPAGE: For 06/07 projected, we have increases in budget  
23 to increase both RA and VR, excuse me, repair assistance and  
24 vehicle retirement. Repair assistance vehicles are  
25 estimated to be 50,000 and retired vehicles are estimated to

1 be greater than 18,000 retired during the 06/07. The  
2 Breathe Easier postcard project, we had a little bit of a  
3 pilot that was run through our Consumer Assistance Program  
4 where we sent out 214,000 cards to a certain group of people  
5 that owned certain years of vehicles that were more probable  
6 to fail and they were -

7 CHAIR WEISSER: 1987 Golfs, I assume.

8 MR. COPPAGE: And I have those cards on the back table for you.

9 What we - this design, the design of the purpose behind the  
10 postcards was to promote people's participation in Consumer  
11 Assistance, to make them aware of what's available to them,  
12 both from the repair assistance side if their vehicle  
13 failed, what was available to them, and also to encourage  
14 them to consider vehicle retirement as an option to dealing  
15 with the failed vehicle. This study is yet to be completed.  
16 We haven't received everything back, and that report will be  
17 available in the future. So that's a little bit about  
18 what's going on at BAR right now. As I said, I think the  
19 major hurdle has been NGET, getting transitioned into that.  
20 Obviously, as you mentioned with making sure we didn't make  
21 it to Channel 3 or the Bee, that was a good thing. We  
22 wanted to make sure that didn't happen, so we put a lot of  
23 effort and a lot of resources into that and it's paying  
24 dividends.

25 CHAIR WEISSER: Well, congratulations on that and on the rest of

1 your report. Regarding the projections you had for the  
2 amount of repair assistance and vehicle scrappage, voluntary  
3 vehicle scrappage that you were going through, I believe you  
4 are in the process of developing a report for submission to  
5 the legislature on the scrappage program; is that correct?

6 MR. COPPAGE: I'm sorry, I am unaware of that.

7 CHAIR WEISSER: Maybe it's ARB. And now Andy is shaking his  
8 head no. Okay. Okay. I'll withdraw it. Are there  
9 questions from Members of the Committee?

10 MEMBER LAMARE: Yes.

11 CHAIR WEISSER: Jude?

12 MEMBER LAMARE: Thank you, Mr. Chairman. Allan, could we go  
13 back a little bit on this postcard? I kind of missed that.  
14 Something about a study and a postcard and people's  
15 participation in the Breathe Easy campaign.

16 MR. COPPAGE: Yes. The Consumer Assistance Program, in trying  
17 to find better ways, more efficient ways, to increase  
18 participation in CAP, sent out, again 214,000 postcards, to  
19 motorists who owned certain vehicles; older vehicles, those  
20 that are more probable to fail, letting them know their  
21 options. In response to those, those vehicles have fallen  
22 into a couple of the categories; cars that showed up and  
23 passed, cars that showed up and failed. And of those that  
24 failed, how many participated in the CAP program from RA,  
25 repair assistance and VR. It was a public outreach campaign



1 again through the CAP Program to alert consumers who may be  
2 dealing with failing vehicles what their options were and  
3 we're tracking those responses like any survey card, trying  
4 to get back the information is complex.

5 MEMBER LAMARE: Back in the vehicles, or are you actually  
6 calling these vehicle owners to talk to them about their  
7 response? Is there any sample survey calling on?

8 MR. COPPAGE: You know, I'd have to get back to you.

9 MEMBER LAMARE: Is there a mail-back portion of this thing?

10 MR. COPPAGE: I believe we knew which vehicles and vehicle  
11 owners were sent a postcard, so we knew who they were. All  
12 we had to do was look for them to show up through the VID.  
13 We knew what their license was, we knew what their VIN was,  
14 so we were able to track those cars. Excuse me, CAP was  
15 able to track those cars based on who we knew they were.

16 MEMBER LAMARE: Right.

17 MR. COPPAGE: And then we determined whether they passed,  
18 whether they failed, and if they failed, if they applied to  
19 CAP under one of the two options that are available to them,  
20 which of those options it took.

21 MEMBER LAMARE: So we'll be seeing some kind of summary of that?

22 MR. COPPAGE: Yes, yes. When the program is over, there will be  
23 a report that we'll provide.

24 MEMBER LAMARE: Does the Bureau have any theories about why  
25 participation in the CAP program has been so low? You know,

1 a consumer survey of failed vehicle owner showed quite a low  
2 percentage of those who would be eligible for CAP under the  
3 income categories actually participating in CAP and those  
4 looking to participate in CAP very, very low?

5 MR. COPPAGE: Well, I'm not prepared to theorize as to why they  
6 don't participate. I think the other side of the coin is  
7 we're doing everything we can to encourage them to  
8 participate.

9 MEMBER LAMARE: Right. And then we'll get feedback from this  
10 postcard outreach to see what can be learned there. Another  
11 finding of our consumer survey was that the failed vehicle  
12 motorists in Los Angeles County were actually less likely to  
13 participate than in other counties. Has the Bureau taken on  
14 any particular emphasis or focus on Los Angeles County to  
15 address the discrepancies or disparities between regions in  
16 the State and their response to the Consumer Assistance  
17 Program?

18 MR. COPPAGE: Not that I'm aware of.

19 MEMBER LAMARE: Thank you.

20 CHAIR WEISSER: Any other questions?

21 MEMBER NICKEY: Yes.

22 CHAIR WEISSER: Please.

23 MEMBER NICKEY: Roger Nickey. The biggest single complaint I've  
24 heard about CAP on the feedback I get from customers is the  
25 amount of time it takes. They say they either can't get a

1 response, when they call they're put on hold, they have to  
2 wait forever. To get the car repaired, it takes months.  
3 That's just some feedback.

4 CHAIR WEISSER: It takes months for them to get the check?

5 MEMBER NICKEY: The car fails the test, get in, get the thing  
6 repaired, get it back. And most of them say, I don't have  
7 this time or I don't mess with it and they go get it fixed  
8 on their own.

9 CHAIR WEISSER: This is from consumers, not the stations?

10 MEMBER NICKEY: It's consumers.

11 CHAIR WEISSER: Have you done any analysis of how long it does  
12 take the system to work once the car is reported as failed?  
13 I'm just curious.

14 MR. COPPAGE: Well, the only numbers I'm prepared to speak about  
15 today are the cycle time for the applications of the  
16 consumers. When we receive an application, they receive a  
17 letter back from us, either giving them their eligibility or  
18 telling them why they're not eligible within a week. That's  
19 a pretty quick turnaround from the time - but they have to  
20 mail the application to us and there's a little bit of  
21 background that's got to be done from the consumers' side,  
22 so if they want to participate in the Repair Assistance  
23 Program, which is what Roger's speaking of, they get a  
24 letter back pretty expeditiously letting them know you can  
25 now visit a Gold Shield station with this letter and let

1       them know that you're approved for repairs through the  
2       Repair Assistance Program. What takes place after that, I'm  
3       prepared to speak to that timeframe.

4 CHAIR WEISSER: Jude?

5 MEMBER LAMARE: And I wondered about the Gold Shield stations.

6       About a year ago, I think we had 560. Is that the number we  
7       have today or are we seeing more?

8 MR. COPPAGE: It's been pretty consistent in that range.

9 MEMBER LAMARE: So the number of places where people can use  
10      Consumer Assistance to repair their vehicles has not been  
11      growing.

12 MR. COPPAGE: Not at a great rate. It's been pretty consistent  
13      across the State. We are concerned with how those are  
14      placed statewide and we have done some recruiting in the  
15      early days of Gold Shield. If we had areas where we were  
16      directing vehicles and there weren't Gold Shield stations,  
17      we'd call people up and say hey, have you considered this,  
18      for the convenience of consumers who wouldn't have to travel  
19      a distance to have their vehicle repaired in case they fell  
20      into this category.

21 MEMBER LAMARE: I remember looking at the list and seeing that  
22      there were Gold Shield stations in places that were not  
23      enhances areas and then in other places that were high-  
24      polluted communities with very few Gold Shield stations so I  
25      think that's a real concern.

1 CHAIR WEISSER: Robert?

2 MEMBER PEARMAN: Just with CAP for the low-income eligibility  
3 usage, do they self-certify or they have to give you some  
4 documentation that they meet that criteria?

5 MR. COPPAGE: I'm sorry, can you restate the question?

6 MEMBER PEARMAN: For CAP usage where it's because of your  
7 income, your low income, is that a self-certification or do  
8 you require some documentation to be sent in?

9 MR. COPPAGE: Yes, limited documentation is required.

10 CHAIR WEISSER: Comments? Okay. Thank you very much for your  
11 report.

12 MR. COPPAGE: Thank you, Committee.

13 - o0o -

14 CHAIR WEISSER: Now if I could ask a representative from Air  
15 Resources Board to give us an update on their activities  
16 associated with Smog Check and if the Air Resources Board so  
17 desires, they could consolidate that report with our next  
18 item, the presentation of absence thereof, regarding the  
19 remote sensing study. Your timing is impeccable, Tom, at  
20 least on appearing before the Committee.

21 MR. CACKETTE: At least it appears that way. This is pure luck  
22 I guess. What I really wanted to address was the remote  
23 sensing update. We've been working on this program for  
24 several years now. All the data collection's been done, all  
25 the literature review that was part of this contract to

1 figure out how we can use remote sensing in the most  
2 effective way within the Smog Check Program. That's all  
3 been completed. There's a series of individual reports on  
4 elements of it that have been completed along the way,  
5 including what the costs are of running a remote sensing  
6 program, what other states have found in terms of how many  
7 cars it ultimately identifies during when it's out in the  
8 field for a significant period of time and so we'd hope to  
9 sort of pull bits and pieces of that together for a  
10 presentation today, but when I did look at the bits and  
11 pieces, there were also a few holes that went along with the  
12 bits and pieces and I didn't really think it was ready for  
13 primetime. We had not briefed our management or BAR's  
14 management yet on it and so I think we just jumped the gun a  
15 little bit here. I know it's been a long time coming, but  
16 there's a huge amount of information there and I want to  
17 make sure that when we present it it's in a way that fosters  
18 the greatest discussion with you and it doesn't raise more  
19 questions that we don't have answers for because of it not  
20 being together correctly yet. So I think it's going to  
21 still be a few months before we're able to knit everything  
22 together and kind of run it through both of our managements  
23 so then we would like to present it as - still it's a draft,  
24 not as a final fete de compli to the IMRC. So again, I  
25 apologize for it taking so long, but -

1 CHAIR WEISSER: And approximately when do you think the draft  
2 report might be ready to be shared?

3 MR. CACKETTE: Well, I think probably within three months or so.

4 CHAIR WEISSER: Okay.

5 MR. CACKETTE: It's going to take us a month to sort of I think  
6 knit the thing back together so that there's more of an  
7 executive summary that people can look at and has all the  
8 pieces, not just the parts and all these different reports  
9 and then it takes a while for us to brief our management,  
10 answer their questions, and then we can present it to you.

11 CHAIR WEISSER: Tom, is there any sort - is the Board using any  
12 sort of external advisory or peer review committee to bounce  
13 ideas or findings, preliminary findings, offer views, or are  
14 you anticipating that's what would occur you've complete the  
15 draft?

16 MR. CACKETTE: That's you.

17 CHAIR WEISSER: Pardon me?

18 MR. CACKETTE: That's you. Yes, we're looking for the IMRC to  
19 be the place where we can get external parties' ideas,  
20 people that are knowledgeable in the program and see whether  
21 we've done a good enough job on the report or not. That's  
22 why we'll present it to you as a draft, not as a completed  
23 thing, but we'd like to get your input and anyone else's.

24 CHAIR WEISSER: I'm raising that question because there may be  
25 opportunities to approach a statistical analysis a number of

1 different ways and I'm wondering whether this study is going  
2 to be attempting to evaluate things like costs from a  
3 variety of perspectives or is it just going to do one slice.  
4 And by that I mean, you could look at the costs in a - of a  
5 testing program and project what those costs might be once  
6 it was in full application, but there may be other factors  
7 in full application that don't come to bear in test or vice  
8 versa, that raise or lower costs. I'm not sure which.

9 MR. CACKETTE: Right.

10 CHAIR WEISSER: And I'm wondering if there wouldn't be some  
11 benefit to bouncing methodologies that are being used to  
12 analyze the data offered to a group of people who are  
13 familiar with data analysis prior to the actual conclusion  
14 of the data analysis when you've already drafted the report  
15 and then you're in a position, frankly, of defending what's  
16 in the draft. Even though it's only a draft, you still are  
17 inexorably placed in a position of defense.

18 MR. CACKETTE: Yes. Well, I think if the Committee would like  
19 to create another Jeffrey, et al, subcommittee and Jude  
20 subcommittee, we would be glad to bring the contractor in  
21 and go over where we are. Part of the - I'm not sure if how  
22 much of - and there are some new members, how much you  
23 remember about this study, but part of the complexity bears  
24 on kind of three things. Number one is that we learned when  
25 we used the remote sensing program in Sacramento many years



1       ago that even when you put it out there for six months, it  
2       doesn't see much more than half the cars. It has never come  
3       by the sensors for where a network has been placed and this  
4       is what the experience has been in other cities. So one of  
5       the complexities is if you do a program to identify high-  
6       emitters, clean screen, cars that are potential candidates  
7       for scrap, those kinds of programs, you have to deal with  
8       the fact that it's only going to see a fraction of the cars,  
9       let's say roughly half. And I think that's what the paper  
10      study confirms and so then you have to ask the question,  
11      well, what supplements do we have to try to get the other  
12      half. And that may be more relevant on a mandatory program  
13      like when it's kind of an equity issue or it may be less  
14      important on something like a way of screening for scrap  
15      cars. So that's one factor that has to be considered. The  
16      second one is in fact the size of the program. This is not  
17      cheap. One very clear conclusion is it costs a lot of money  
18      to put out an run a remote sensing program and if you just  
19      do it for maybe one single purpose, it may not be very cost-  
20      effective. And so the question would be once you've got the  
21      infrastructure out there and the sum costs, how many  
22      purposes can you have. Can it work for gross polluters and  
23      for clean screen and for scrap screening and as a basis for  
24      doing analysis, the program benefits. If it was all four,  
25      then the first cut would say, well, I could divide the costs

1 and allocate them a fourth to each place and then it looks a  
2 lot more cost-effective. So the question - that's a  
3 difficult thing to answer exactly as to how you integrate  
4 the various pieces. The contract is attempting to do that,  
5 but I'm just not positive yet from my review of it that  
6 we've figured all the various aspects and so that's one of  
7 the complicating factors and why we need a little more time.  
8 But we would be glad to, if you want to identify some people  
9 to talk about it, we would be glad to preview where we are  
10 right now and let you get a flavor. There are spreadsheets,  
11 extensive spreadsheets on all of these, including the costs,  
12 including the various program, potential designs in how you  
13 calculate the benefits or the loss benefits in the case of  
14 clean screen and you could create other scenarios, I think,  
15 from those spreadsheets and we would give you a flavor for  
16 how flexible they are and if there are other scenarios that  
17 you're interested in, we could try to see if we could do  
18 that. We can't do a lot because we're kind of running out  
19 of money with the contractor, but we could certainly do  
20 some.

21 CHAIR WEISSER: Jude?

22 MEMBER LAMARE: Tom, you mentioned that you were both looking at  
23 for high-emitter detection and low-emitter detection and so  
24 did you actually take 1,000 vehicles that were identified as  
25 high-emitters and put them through inspection and repair,

1 bring them in for inspection and repair?

2 MR. CACKETTE: Yes. The target was 1,000, I don't know what the  
3 exact number was, but it was many hundreds at least. So we  
4 did roadsides, we did - of the 1.4 million cars I think that  
5 we remote-sensed and found a record on so that we actually  
6 had a matching DMV record all there of all the cars we  
7 sensed, and then we pulled in groups of cars at the roadside  
8 and checked the results of an ASM versus an RSD and then we  
9 also, for the same groups of cars, for the ones that were  
10 high-emitters, then we sent - and nothing was under the car,  
11 they were sent on after we looked at it, and then we sent  
12 runners out and tried to recruit a subgroup of those to  
13 actually come into our lab several months or weeks later.  
14 That was to simulate a mandatory - you're RSD, you get a  
15 letter, you've got to come into a Smog Check station, that  
16 kind of thing. So there was that and I think there was a  
17 similar thing done on the clean screen again to try to  
18 calculate the loss benefits, how many clean screen cars -  
19 whatever criteria used, one hit, two hits, three hits,  
20 etcetera, actually had some high emissions because that  
21 would be lost benefits and then we could compare that to the  
22 cost of the program, the costs saved from not having to  
23 inspect those cars. So that was the basic structure of  
24 analysis. We've also then looked at does it work as a  
25 screen for scrappage and then we looked at a number of

1        analytical ways -

2 CHAIR WEISSER:    Scrappage like the South Coast Program?

3 MR. CACKETTE:    Right, exactly.    If we had a - if we were smarter  
4        at which cars might be candidates for scrappage based on  
5        emissions, we could increase our odds of getting them in and  
6        also the ones we get in might have higher emissions, so that  
7        was the goal there.

8 MEMBER LAMARE:    And did you look at taxi cabs with transponders  
9        or something like that?

10 MR. CACKETTE:    I don't think that was done as part of this  
11        study.    I haven't reviewed the whole thing, so I'm not  
12        positive.

13 MEMBER LAMARE:    Because it appeared that in the original design,  
14        there were a number of elements which may fit into their  
15        desire to have multiple purposes to make it cost-effective,  
16        but it may be less interesting to the Committee then.

17 MR. CACKETTE:    Yes, because we tried to answer - I think there  
18        were seven kind of questions posed and we wanted to try to  
19        answer those.    They were all questions, can you use RSD or  
20        how would you use it in the program to do the following.  
21        And then we tried to answer the question, here's how you  
22        would use, here's what the costs, here's what the benefits  
23        are.

24 MEMBER LAMARE:    And the data were gathered in 2003/2004?

25 MR. CACKETTE:    I think that's correct, yes.    I don't know the

1 exact dates. It took us more than a year to gather what was  
2 ultimately two million RSDs and to be able to collect the  
3 subgroups because we had to do it with roadsides and we had  
4 limited resources to be out there every minute of the day  
5 pulling cars over, so it took quite a long time to do it.

6 MEMBER LAMARE: And one of the concerns that this Committee has  
7 had is the perishability of the information on because of  
8 the dynamic changes in the on-road fleet and the fact that  
9 conclusions that we may draw about the fleet in 2003/2004  
10 how many years will those conclusions remain persuasive for  
11 policy-making.

12 MR. CACKETTE: That's a good point. But I think since we're  
13 focused mainly on high-emitter cars, I think they're high-  
14 emitter cars and the fact that they're two years older today  
15 than they were when we sensed them doesn't really make a big  
16 difference.

17 MEMBER LAMARE: And one of the things that we're concerned about  
18 is documenting the natural rate of scrappage and it seems  
19 like a remote-sensing study would really help to do that if  
20 it were - if there were on-road being collected quite  
21 regularly.

22 MR. CACKETTE: It would if it was over multiple years, but even  
23 though I said that the program took a long time, it didn't  
24 take multiple years, so I don't think we would see it within  
25 this data collection set. But once we have a network out

1       there, a permanent network, I think that would the kind of  
2       information that would support any of the analytical tools,  
3       like can we use it to improve our ability to assess the  
4       benefits of the program.

5 MEMBER LAMARE:   And finally, today you said that half the cars  
6       are not - half the cars that are in the DMV database, for a  
7       particular area I assume, don't show up on a remote sensing.

8 MR. CACKETTE:   Right.   We ran this in multiple areas in the  
9       state of this program, but I think that conclusion came from  
10      other people that have a permanent RSD networks out and also  
11      from the six-month, if I recall correctly, study that was  
12      done probably 10 years ago here in Sacramento where we had a  
13      half dozen or more permanently cited RSD units in operation  
14      for over six months.

15 MEMBER LAMARE:   So in this particular -

16 MR. CACKETTE:   You've got a curve that looked like this where  
17      you've found a lot of cars and then it started becoming an  
18      asymptote at the top and I think for Sacramento, if I  
19      remember right, it was we identified like 55 percent of the  
20      cars.   What I noticed from the draft study was that, the  
21      paper review, was that they concluded we would be able to  
22      get 42 percents.   I don't know why the difference.

23 MEMBER LAMARE:   And that was based on the paper review.

24 MR. CACKETTE:   Yes.

25 MEMBER LAMARE:   So there's no independent information in this

1 particular study that tries to assess the coverage.

2 MR. CACKETTE: No, because I don't if there is or not. I didn't  
3 see that part whether there's for our period of time, but I  
4 believe that 42 percent number came from reviewing other  
5 programs in other states that have used RSD over a period of  
6 time, but I'm not 100 percent positive. I'd have to check.

7 MEMBER LAMARE: So you don't want to share the paper study with  
8 the Committee until you have everything else all squared  
9 away?

10 MR. CACKETTE: Well, I think we could, but it only answers a  
11 very few parts of the questions and it doesn't answer the  
12 fundamental seven questions by itself. This 42 or 55  
13 percent, or whatever the number would be, is just I think a  
14 finding that you don't see them. And so if you don't seen  
15 them all, and particularly if there's - you only see a part  
16 of the fleet, then that has an implication on some types of  
17 programs that you might use RSD for, that's all.

18 CHAIR WEISSER: There's also a cup half empty, cup half full  
19 thing here, Tom. You're talking about a half a dozen  
20 stations with the ability to capture approximately 50  
21 percent of the people. That to me is not unimpressive. I  
22 can really understand the desire, and I will support the  
23 desire, to make sure that you're comfortable with the study  
24 before you present it publicly. You've got to be, BAR has  
25 to be. And this is truly a vital study and one that will

1       undergo, regardless of the conclusions it reaches,  
2       considerable scrutiny by a lot of folks. I don't know  
3       whether it would be advantageous for you and BAR to invite  
4       some folks prior to putting out your first draft to sit down  
5       with you and the contractor to hear how you're going about,  
6       not the results, but how you're going about knitting the  
7       data together and projecting costs and benefits and  
8       applications. And I think that's something you seriously  
9       might want to consider over the next month prior to  
10      releasing it. If you do, I'm not sure I'd limit it just to  
11      this Committee. There are other stakeholders that you can  
12      judiciously invite to - it may inoculate the study from  
13      certain sorts of criticisms if you've allowed these people  
14      to provide input to you and to the contractor who will be  
15      knitting together these separate studies. If you do decide  
16      that that's something that you want to do, I'd be interested  
17      in knowing which Committee Members, besides me, would like  
18      to be involved in that process. Jude, Jeffrey, Roger, so  
19      we're gonna have to do a lottery because there will be no  
20      more than two of us that will be allowed to go to this  
21      session. But first, Tom, I want to give you the opportunity  
22      to reflect upon your offer and then you let us know if that  
23      is indeed something you want to do. I don't want to push  
24      that on you if you don't want to do it. I would advise you  
25      to do it, but it's your call, Tom.



1 MR. CACKETTE: Yes, I have some reservations about it just  
2 opening up something that's at this stage to the general  
3 public, but I don't have any reservations about the IMRC.  
4 That's clearly your charter by the State legislature to look  
5 into these kinds of things and we would welcome that and  
6 there's no secrets here. It's just that you don't want to  
7 take an incomplete product and just throw it out there to be  
8 - for people to shoot at.

9 CHAIR WEISSER: And people will shoot at it.

10 MR. CACKETTE: Yes, and again, it's not complete enough in terms  
11 of the reporting to make myself and ARB's management or  
12 BAR's management comfortable yet and we do have a desire to  
13 make sure that the product's good and understandable first.

14 CHAIR WEISSER: Roger?

15 MEMBER NICKEY: Roger Nickey. This has just been burning. The  
16 intent of remote sensing is to identify polluting vehicles.  
17 I mean, isn't that kind of the bottom line?

18 MR. CACKETTE: Or nonpolluting vehicles.

19 CHAIR WEISSER: Or clean vehicles.

20 MEMBER NICKEY: Okay. Then why is remote sensing better than  
21 just straight Smog Check? All the cars come in for Smog  
22 Check.

23 CHAIR WEISSER: Two reasons are postulated - and, if you don't  
24 mind Tom, one, remote sensing actually gets cars on the road  
25 as they're being driven whereas Smog Check, it's once every

1 two years.

2 MEMBER NICKY: We could change that.

3 CHAIR WEISSER: And as a matter of fact, you'd have the support  
4 of one Committee Member to change that. The second is folks  
5 believe that it is substantially less expensive to conduct a  
6 remote-sensing observation than it is to do a Smog Check.  
7 That is disputed. That's an arguable conception.

8 MEMBER NICKY: I would dispute that, too.

9 MR. CACKETTE: I think the third element is that if the network  
10 of sensors was out there and if there was some kind of  
11 mandatory consequence of having a high-emitting vehicle,  
12 regardless of why it's high-emitting, then we think that  
13 would also potentially have a deterrent effect on people  
14 from skipping Smog Check, from cheating, because they might  
15 get pulled in in between the two-year period, so that is  
16 another reason why there might be some benefit there,  
17 although that's difficult to quantify, but some people  
18 believe that would be a useful application.

19 CHAIR WEISSER: This is the integrated remote-sensing vehicle  
20 identification and surface-to-surface missile destruction,  
21 instant scrappage disposal we've heard so much about these  
22 past years.

23 MR. CACKETTE: Well, that wouldn't be my description of it, but  
24 something similar to that. We know that and the transition  
25 to other update is and we have an effort underway to look at

1 why so many of the cars don't seem to have low emissions for  
2 the one-year or even two-years after they pass the Smog  
3 Check and get repairs and so that effort is underway. The  
4 contractor is looking in great depth at the data that we  
5 have and is trying to figure out what do we know from  
6 existing data, from VID data, from roadside data, from  
7 things like that and confirming that statistic which is that  
8 40 percent of the cars on an average of six months after  
9 they've been repaired no longer exhibit the emission  
10 reductions that came from the repair. So we're looking at  
11 that very carefully and two of the results that will come of  
12 out of that is one, what can we answer from the existing and  
13 what can't we answer from the existing data and we're  
14 prepared to then design and run data collection programs to  
15 answer as many of the other questions as possible. But to  
16 us, this is totally focused on are there missed emission  
17 reductions from the program that could be improved. And  
18 there's a whole host of postulated reasons why this is  
19 occurring. Cars just naturally break, repairs aren't  
20 complete, they deteriorate quickly, people are getting a  
21 pass when they shouldn't, there are cars from out of the  
22 area operating in the area registered other where's, you  
23 know, just a whole host. The \$99 catalysts don't work,  
24 they're not durable for very long, that kind of thing, and  
25 we're trying to - we'll be sorting how much of that can we

1       answer now and how much of it do we need to proceed with a  
2       specific data-collection program. And we're prepared to  
3       proceed with that as soon as the contractor helps us sort it  
4       out.

5 CHAIR WEISSER: What's the timing on that?

6 MR. CACKETTE: Well, I think the overall effort is a couple of  
7       year effort, but the first step of completing the analytical  
8       work, I don't - I'm afraid I don't remember the deadline for  
9       that, but it's probably in the next six months and then from  
10      there we know how to go on. And we'll try to do interim  
11      reports and stuff, like what do we think we learned and what  
12      do we not know, and share with you - if we do new programs,  
13      we want to have it be a very open process. In this, we'd  
14      invite everybody to comment on - if we ran a data collection  
15      program like this, like we used roadsides or we used pull-  
16      ins to our labs or we used RSD or whatever it is, is that an  
17      adequate approach to collecting useful information or not.  
18      Then that will also spin out some additional design of  
19      either focus group or survey to get more at the heart of  
20      what Jude did on more of on a shoe string the first time  
21      around. I think we have resources to be able to do that  
22      more comprehensively this time, including whatever kind of  
23      survey information or focus-group information is needed to  
24      get at the heart of what makes the inspector tick, what  
25      makes the repair guy tick, what makes the consumer tick, and

1 do what they do in Smog Check and is there a way of changing  
2 their activities to make the overall program produce more  
3 emission reductions.

4 CHAIR WEISSER: Jude?

5 MEMBER LAMARE: Thank you. Tom, is it about a year from now  
6 that we'll have a new SIP, a 2007 SIP, or October 2007?

7 MR. CACKETTE: It's in that timeframe, yes. Again, I don't  
8 recall what the date is. I know that we expect to get, like  
9 on the South - and it's different for each region, but in  
10 the South Coast, I think we expect to get the locally  
11 generated SIP later this year, and then there's a process of  
12 adding the motor vehicle part, and then going through all  
13 the -

14 MEMBER LAMARE: At BAR, we'll be adding on some new emission  
15 reduction measures in order to meet the Federal eight-hour  
16 ozone standard throughout California -

17 MR. CACKETTE: Yes.

18 MEMBER LAMARE: - and I was expecting that you might crank down  
19 on the Smog Check Program a little bit more and get some  
20 more emissions reductions from Smog Check through the 2007  
21 SIP. Is EPA expecting you to come forward with some major  
22 new reductions from Smog Check in the 2007 SIP?

23 MR. CACKETTE: I don't think EPA is expecting any specific  
24 items. They just expect us to come up with the tons to  
25 reduce the atmospheric loading to a level where we meet the

1 standard by the deadline and that's a tough job.

2 MEMBER LAMARE: How are you going to integrate these multi-year  
3 studies that you've started off with in the 2007 SIP?

4 MR. CACKETTE: Well, if we don't have the answers of how to do  
5 it, we're not going to obviously put it in the SIP and then  
6 we're limited in that we can only put in the SIP things we  
7 have legal authority to, so some of the things in our report  
8 to you and your report to the legislature, like annual  
9 inspections for older cars, we don't have the authority. We  
10 can't throw that in the SIP, unfortunately.

11 CHAIR WEISSER: Any further questions? Okay. Well, thank you  
12 very much, Tom.

13 MR. CACKETTE: Okay. Thank you.

14 CHAIR WEISSER: Jeffrey, let me ask you a question before we  
15 embark on your presentation. Approximately how long do you  
16 think the presentation will last?

17 MEMBER WILLIAMS: An hour.

18 CHAIR WEISSER: So the timing would work really well to do this  
19 now and move forward. Yes, we should take some -

20 MEMBER WILLIAMS: But I've got to move out there.

21 CHAIR WEISSER: Okay. But we'll take a five-minute break to  
22 allow Jeffrey to move out to his new station and while we're  
23 doing that - excuse me, we won't take a break. We'll allow  
24 Jeffrey to move to his new station and we'll take some  
25 public comments from what they've heard to date. And we'll

1 start with Mr. Peters.

2 MR. PETERS: Thank you, Mr. Chairman and Committee. I'm Charlie  
3 Peters, Clean Air Performance Professionals, a coalition of  
4 motorists, interested in the issues of vehicles, inspection,  
5 maintenance, etcetera. I was wondering if there was going  
6 to be any opportunity for public comment. We've covered a  
7 number of issues today and I didn't see any opportunity  
8 provided for public input in any of them so far, up until  
9 now. Going back over the things that have been discussed,  
10 one of the things in the Executive Officer's Report was a  
11 report on a piece of legislation being considered that has  
12 to do with education and it was discussed that the oversight  
13 of that or suggestions on who should be allowed to decide  
14 who gets the money or who is able to do this was the Bureau  
15 of Automotive Repair Advisory and the Committee indicated  
16 that very possibly the Committee might be a better qualified  
17 decider of that.

18 CHAIR WEISSER: No, I did not hear anything along those lines,  
19 Mr. Peters.

20 MR. PETERS: Well, I certainly haven't used a hearing aid yet,  
21 but certainly it's what it sounded to me like it was  
22 suggested that the I/M Review Committee should be able to be  
23 considered as - at making policy. If in fact that was not  
24 what the Chair was indicating, I'm happy to hear that  
25 because I think from my perspective the Committee's job is

1 to evaluate the program and make suggestions how to fix it  
2 rather than to what I thought I was hearing was there was a  
3 suggestion there that the Committee should be participating  
4 in policy creation.

5 CHAIR WEISSER: We agree with you, Mr. Peters, that the  
6 Committee's job is to, as you characterize it, identify or  
7 report on the progress of the program and identify ways to  
8 improve it.

9 MR. PETERS: Well, I'm very pleased to hear that and very  
10 pleased to understand that I misunderstood and that's great.  
11 Another thing that I will say, it looks like I'm running out  
12 of time, but since we packed all of this into one -

13 CHAIR WEISSER: We're going to give you an extra three minutes  
14 starting now, so please proceed, Mr. Peters.

15 MR. PETERS: Wow, thank you very much, Mr. Chairman. A lot of  
16 discussion today has touched upon the possibility of  
17 significant studies, the possibilities of remote sensing,  
18 program performance, different issues, and as I have shared  
19 with the Committee for a considerable length of time a  
20 considerable number of times, that in my perspective  
21 representing motorists, the most important technology being  
22 considered here is the technology of the person providing  
23 the test and his behavior can very significantly impact the  
24 effect on the fleet emissions. It's nice to say while we're  
25 going to have somebody in England put something together and



1 we're going to make California's fleet of cars a lot  
2 cleaner, but in my view, in order for that to be effective,  
3 you have to utilize the actual person doing this job because  
4 that's a person oftentimes what he does for a living is he  
5 fixes, repairs, cars for a living and so he is the very best  
6 qualified person on the planet at making an effect on the  
7 participation of that car in our fleet and its impact on the  
8 air that we breathe. I've shared with the Committee a  
9 number of times that I feel that the primary effect of the  
10 program is an answer effect, what happens in the inspection  
11 and repair process affects the behavior of the public, it  
12 affects the behavior of the rest of the repair industry, it  
13 affects the car manufacturer and it's huge. And of course  
14 the Bureau of Automotive Repair has been the primary  
15 oversight of that and when we do these discussions and do  
16 not consider whether or not what's broken on the car gets  
17 fixes, and that data has been presented to this Committee  
18 happens to be on a date when you, Mr. Chairman, weren't  
19 here, but that information is available from the Air  
20 Resources Board in their studies where they have analyzed  
21 cars, taken them out and got in the brick, got them  
22 repaired, and found out if in fact what was broken got  
23 fixed, and in that discussion with the ARB employee who is  
24 no longer working for ARB, it was shared that if in fact the  
25 car was fixed and in fact the car would perform properly and

1 emissions be correct. So I will petition the Committee to  
2 consider the possibility of getting the data from the Air  
3 Resources Board that they referred to quite some time ago  
4 with the Chief of modeling for the State Air Resources Board  
5 and to find out or to do, to support the possibility of  
6 finding out if in fact we can find out if what's broken on  
7 the car gets repaired and if that can improve how the  
8 public's being treated and the performance of this program.  
9 Thank you.

10 CHAIR WEISSER: Thank you, Mr. Peters. Mr. Rice?

11 MR. RICE: Good morning, Committee. Bud Rice with Quality Tune-  
12 Up Shops. A quick comment, I was kind of hoping that  
13 finally I'd get one question answered that I hope was going  
14 to happen as part of the ARB's report, slash, non-report, I  
15 guess, today was does the remote sensing - does it work? I  
16 guess I was waiting for that one and I understand waiting  
17 until you have all the pieces lined up, but how about does  
18 it work and then if the answer to that can be something that  
19 we can all kind of live with, then the rest of this stuff we  
20 can talk about, but in the front end, does it work?  
21 Everything that I had heard or read or had access to has  
22 always said that it's about half and half, 50 percent yes,  
23 50 percent no and maybe some false-failure kind of stuff.  
24 And all of the things that enter into that were challenging  
25 technologically speaking; temperature, where the beam gets

1 shot across in terms of the height of the vehicles, that  
2 kind of thing enters into how effective the testing is going  
3 to be. So I was kind of, like I said, had my fingers  
4 crossed that maybe we'd finally hear does it work. Thank  
5 you.

6 CHAIR WEISSER: Thank you. Randy?

7 MR. WARD: Good morning. Randy Ward, California Emissions  
8 Testing Industries Association. A couple of responses to  
9 items on the BAR's report, the section of the BAR web site  
10 where you can track the vehicle through the plugging in of  
11 the VIN number has been helpful at least to one of our  
12 members who's been tracking repairs that weren't done at  
13 Gold Shield stations, yet the vehicle was certified at Gold  
14 Shield stations. He actually persevered with the issue and  
15 took this to a committee at the Department of Motor Vehicles  
16 and more than one vehicle was de-certified, had its Smog  
17 Check data removed and the Smog certification taken away.  
18 So it can be very, very useful if somebody wants to  
19 persevere and it allows for a little bit of industry  
20 policing on its own, so it's particularly useful. On the  
21 consumer information side, the CAP program is really only as  
22 good, as we all realize, as the information that's provided  
23 to the consumers, if they could take advantage of it. Most  
24 of my members have to make copies of all the information on  
25 CAP to have on display in their facilities. It's very time-

1 consuming to receive it from the Bureau and the stops that  
2 I've made frequently at test-onlys that aren't members, I  
3 find no information on CAP. I'd be interested to hear what  
4 the BAR's findings are when they're out doing the - what's  
5 the name of the program that's - the Quality Assurance  
6 Program, which is an absolutely excellent program that we  
7 support 100 percent, but I'd like to hear what their  
8 findings are on that and I think -

9 CHAIR WEISSER: In terms of availability of information.

10 MR. WARD: Yes, and I also just think that this is something  
11 that the BAR should maybe focus on a little bit in terms of  
12 making sure that they've got over 2,000 facilities out there  
13 that should have this information available. Thank you.

14 CHAIR WEISSER: Thank you, Mr. Ward. Len? While you're  
15 walking up, Mr. Rice, I will say that I think many Members  
16 of this Committee are also interested in those answers to  
17 questions such as the one that you raised and thus our  
18 impatience for the study, but we're also interested in  
19 making sure the study is top quality. I guess we just have  
20 to take another deep breath. Len?

21 MR. TRIMLETT: Good morning. Len Trimlett, Smog RFG. Remote  
22 sensing is predicated on three assumptions; one, the  
23 difference between the break of a beam and the make. The  
24 fact that the beam is at 14 inches above the ground  
25 references the original spec and the fact that it has to see

1 both emission reading and a license plate. A semi going  
2 through there is going to produce seven false entries. A  
3 motorcycle, as many as go through the beam. A vehicle  
4 towing a trailer, with a fifth-wheel trailer, it's not going  
5 to see the license plate of the trailer. These are a few of  
6 the things. They mean essentially that if you want to get a  
7 million valid entries, you're going to have to collect two  
8 million valid entries. Somebody is going to have to go  
9 through and manually separate out the end result that are  
10 valid entries. BAR and CARB, in letters that I've received  
11 from them, have repeatedly side-stepped this issue. This,  
12 as I see it, is a major part of remote sensing. The fact  
13 that you cannot put it at a multi-lane onramp simply because  
14 the geometry breaks down. Okay, now, in the analysis, I  
15 would like to see something that addresses this issue. I  
16 think it's woefully lacking and it really makes me wonder  
17 about the cost-effectiveness and the accuracy of remote  
18 sensing. If you take the number of trucks that go through a  
19 remote-sensing site, you have no control over what the  
20 traffic is that goes through there. You're going to get a  
21 lot of false entries. Is that CARB data analysis going to  
22 take account for these failure rates? I'd like to hear a  
23 response to that from Tom Cackette.

24 CHAIR WEISSER: Thank you, Len, and I'm sure in three months Tom  
25 will be able to respond to that. With that, Jeffrey, I'd

1       like us to move into your portion of the morning. I love  
2       the title.

3 MR. CARLISLE: If somebody could dim those lights back there,  
4       that would work.

5                       - o0o -

6 MEMBER WILLIAMS: I'm looking at how quickly people get in their  
7       Smog Checks relative to their registration due dates with  
8       DMV and I was picked for this topic because of my local  
9       expertise on this subject. If you notice the - look closely  
10      at the information about 2GKM228, a certain 87 Golf that's  
11      records have often been before us, most of those tests were  
12      done in Octobers of various years and I can reveal here,  
13      since it's probably something the DMV knows, that those  
14      tests were due in September of years. So I can speak on the  
15      subject of procrastination. And so I'm interested in three  
16      particular issues. The first is how many other Californians  
17      are late having their Smog Checks done. Mine happened to  
18      pass every time, so in some sense that's not as great of  
19      failing, if you pardon the expression, in a moral sense as  
20      for the air. And so really the next issue is are these late  
21      Smog checks late in the sense of not meeting the DMV  
22      deadlines or because of fails? Because if people, say if  
23      they own a 1999 car that's got a check engine light on  
24      they've been staring at, they know their car's going to  
25      fail, are they late even getting it tested. I think we have

1 to worry more if that's true. And we also would worry  
2 particularly if the answer to the third question is true  
3 then most of the fails are not corrected until long after  
4 the due date. This is really about people and not about  
5 cars. And it's not about who does the tests either because  
6 I don't think test-only facilities only will make an  
7 appointment with the client provided that the test will be  
8 done late. That's the individual consumer's decision.  
9 Likewise, particular types of cars, 87 Golfs, I don't think  
10 are predisposed to showing up late for their tests, it's the  
11 owners. So this is really about consumer behavior and fits  
12 very much into what Jude Lamare has done. This topic really  
13 was suggest by Rocky Carlisle and Steve Gould and for me  
14 it's an interesting computer programming technical issue.  
15 It allows me for the first time to merge the extensive  
16 records I have from the VID, which is to say the Smog Check  
17 records themselves, with the DMV registration. If you  
18 recall from one of my other presentations, I have from  
19 January 1, 2005, all registered vehicles in California, all  
20 25 million vehicles, and in that dataset is the date paid  
21 through, which is not when the check came in, but when it  
22 was due. So I'm basically going to compare the due dates in  
23 that DMV data registration with when the Smog Checks were  
24 done. I looked at this dataset then from January 1, 2005,  
25 and decided to concentrate what I think they're really

1 technically re-registrations of an existing car and those  
2 that are due in January to June 2005. And I sub-selected a  
3 group where I, in the Smog Check records, I observed that  
4 that pass occurred within 90 days before that due date, or  
5 180 days after, and it had to be an ASM test. There are a  
6 number of vehicles, perhaps one percent of the total  
7 registrations, I see no record of them ever passing. Those  
8 are perhaps made non-operative and so forth, or junked. I  
9 don't know, I've already persuaded you that that's an  
10 important group to study. But I'm not trying to study that  
11 here. I'm trying to study the subset that have passed at  
12 some point, that certificate has allowed them to get the  
13 official DMV registration. Wherever there was a doubt about  
14 whether I was getting the right records, I threw them out,  
15 so if I found the reason for the test to be classified as a  
16 change of ownership, I removed that from the records I  
17 looked at. I concentrated on the odd-year model years, so  
18 75, 77, 89, thinking that a car that was due in 2005 had to  
19 be an odd-year model year because of the biennial cycle.  
20 That, in fact, isn't what seems to happen. And I've now  
21 understood better that when a, say a 1987, if it had had a  
22 change of ownership a year off, then they took two years  
23 from that and that turns out that about 40 percent of the  
24 vehicles I'm going to look at here actually had the test  
25 done in 2004, but I can identify that set of tests. If I



1 had done this over again, I would have looked at all model  
2 years as long as the registrations were due in January to  
3 June and I had twice as many. I have 2,306,041 vehicles to  
4 look at anyway. This is a huge number of vehicles and I  
5 don't think this subset that I'm getting is going to affect  
6 any of the results. They're so strong, I'll go back and do  
7 this later. So what's crucial here is that I have when the  
8 tests were done versus the due date. And that's the  
9 essential thing.

10 MEMBER KRACOV: Jeffrey, I don't want to get you off of your  
11 flow, can I just ask a quick question?

12 MEMBER WILLIAMS: Sure.

13 MEMBER KRACOV: Maybe Rocky can help. It's Gideon Kracov. To  
14 get your registered or re-registered with the DMV, don't you  
15 have to have your Smog Check cert or you can get re-  
16 registered without having that?

17 MEMBER WILLIAMS: You're anticipating what I'm going to explain.  
18 As I understand it, and as I say I have some experience in  
19 this subject area, is that approximately 90 days before,  
20 it's actually probably more like 80, you're told your re-  
21 registration and due and you must have a Smog Check. The  
22 fine print also says if you're late, you have to pay some  
23 penalties, that's not such fine print, that goes up in a  
24 scale and it's particularly ownersome after 60 days late.  
25 The fact is though that that penalty is not for being late

1 for the Smog Check, it's being late with the money. And so  
2 you can't get the ultimate re-registration until you've done  
3 the Smog Check, but you're not penalized for being late with  
4 the Smog Check. You could send your check in to DMV a month  
5 early and not do the Smog Check for another month. You  
6 won't get the little sticker, so you are at risk of being  
7 pulled over by the police and saying you're an out-of-date  
8 registration, but you're not fined directly for being late  
9 with the Smog Check. I hope I'm interpreting this  
10 correctly.

11 CHAIR WEISSER: So you can't get re-registered, but you won't  
12 get penalized by DMV for failure to re-register.

13 MEMBER WILLIAMS: Yes. No, you'll be penalized if you haven't  
14 sent in the check.

15 CHAIR WEISSER: Yes, but if you've sent the check in.

16 MEMBER WILLIAMS: You won't.

17 CHAIR WEISSER: But a cop could ticket you for driving without  
18 registration or give you a fix-it ticket.

19 MEMBER WILLIAMS: Yes, and even there it's how late you are.

20 You can always, well wait, I haven't put them on yet or who  
21 knows. I haven't any first-hand experience with that kind  
22 of situation fortunately. Let me show you something about  
23 the 2.3 million vehicles in the sample very quickly. It's  
24 very different by different model years. They're mostly 97s  
25 and 98s and I'm going to concentrate on those in one aspect

1 of the talk because that's OBD-II and presumably these  
2 people can see the check-engine light and can't be surprised  
3 that they're going to fail. But there are also a number of  
4 older model year cars. I think for convenience, we can look  
5 at the 75 to 87s. There are almost no 75s and I thought  
6 2005 minus 30 years for the 30-year rolling exemption  
7 equaled 75.

8 MEMBER NICKEY: No, 75 is exempt.

9 MEMBER WILLIAMS: So 75 is exempt, that's why they're none, so I  
10 should have just called it 77s. There are a hundred left  
11 for some other reason. So you learn from the data a bit of  
12 the practices. You notice that failures rates are different  
13 by the different model years as consistent with what we've  
14 seen and expect. The newer cars don't fail as much and  
15 those failure rates for say a 1989 are like 25 percent. The  
16 overall failure rate is 10.18 percent. That's lower than  
17 the numbers we normally hear, which is about 15 percent.  
18 I'm taking out the change-of-ownership cars and they  
19 disproportionately fail, and I'm taking out any car that  
20 failed and then was never re-registered and that's about the  
21 difference. Now, I want to be really clear about how I've  
22 organized the data and then we can look at it. I'm going to  
23 show you now five 89 Toyota Camrys and explain how I've look  
24 at this. Here is one whose registration is due February 8<sup>th</sup>  
25 and was do for a Smog Check in 2005 I'd deduced because the

1 test was done on the 28<sup>th</sup> of January 2005. I have in my  
2 records, which start in 2000, three observations for this  
3 particular car and you see this person, this owner, seems  
4 always to have done it sometime in January. Where I have  
5 the type, that column, that's the type of test. The C means  
6 change of ownership. P means directed, they already use D  
7 for that Sample D, the P is - that first P then is directed  
8 and the result is this car passed. I say in passing I'm  
9 puzzled. What is the chance of that C for change of  
10 ownership is actually a change of ownership, but we'll leave  
11 that aside. Only information I'm using about this car, and  
12 we'll show you, is the final line which is that on the 28<sup>th</sup>  
13 of January 2005, this car passed. And that was 11 days  
14 early for getting the certificate.

15 CHAIR WEISSER: That must be the dump of the data.

16 MEMBER WILLIAMS: Or maybe I didn't copy it right. That's  
17 possible. I got the mileage right. I have the whole test  
18 results and so on. Let's look at another one and you'll get  
19 another sense. Here is a Toyota Camry that had its  
20 registration due on March 8<sup>th</sup>, 2005, and went in on  
21 March 5<sup>th</sup>, 2005, three days early, and failed. Didn't do  
22 anything about it until 21 days later where it was taken to  
23 a test-and-repair shop, that's RM225536, all these happen to  
24 be in Daly City, and that's classified as a Q code, which is  
25 the pretest code. I'm not going to look at those, I'm only

1 interested in when the pass occurred and got a  
2 certification. I'm also not going to look at pretest that  
3 have immediately to a pass, I'm worried about when the  
4 certification was done. So my definition of a first test is  
5 a little different than the data we've heard about because I  
6 care about the certification. That's what DMV cares about.  
7 This car went 21 days having failed and it's interesting at  
8 a number of levels. Look at when those tests were done that  
9 were classified as pretest. The first one was an abort,  
10 then they did another test that started at 10:15 and I think  
11 it took 15 minutes, so 10:30, and someone - the owner,  
12 quickly ran, drove, this car the eight miles to TB232243,  
13 the test-only facility, and passed. I wonder how careful  
14 were the repairs? But we're going to leave that aside. At  
15 another level, maybe we shouldn't care at all. This car,  
16 even though it has 346,000 miles on it, in those 21 days  
17 only went, what - 37 from 86, about 50 miles and a good  
18 fraction of that was to get to the test-only. So it's  
19 puzzling.

20 MEMBER NICKY: Jeffrey, I have a question.

21 MEMBER WILLIAMS: Yes.

22 MEMBER NICKY: It's Roger Nickey. Are all these failures  
23 tailpipe or can you tell?

24 MEMBER WILLIAMS: I could tell, but I -

25 MEMBER NICKY: It could be ignition timing.

1 MEMBER WILLIAMS: All that. I'm only here at this first pass-  
2 through understanding this. I'm just going to say if they  
3 failed. Later I'm going to say is it a gross-polluter or  
4 tampered, but I didn't look at the reasons for the failure.

5 MEMBER NICKEY: Because there's a big difference being a  
6 tailpipe failure and let's say a visual for a broken evap  
7 line or ignition timing, idle speed.

8 MEMBER WILLIAMS: Sure. I'm just - I don't - it's probably the  
9 case, but I'm not going to be able to investigate it here  
10 because how long you wait to get the thing fixed depends  
11 upon what you've failed for, but I first just want to see  
12 how many people are like this car that failed early and  
13 didn't get it fixed until it was overdue. And whatever the  
14 reason, this is still the fact about this car. So I'm going  
15 to try to classify a lot of the vehicles like this one.  
16 This is what I'm going to call an early fail and a late  
17 pass. And the key data I'm extracting for each vehicle are  
18 when was the pass certificate first attempted and when was  
19 the pass certificate achieved. Here's another example of  
20 Toyota Camrys. This one failed and the test was first -  
21 this pass certificate was first attempted 67 days early and  
22 finally achieved one day early. And there are no  
23 intermediate records to suggest how it was repaired. Again,  
24 the type of test is a P, this is a directed vehicle. We  
25 don't know how it was repaired and we can't very well say

1       that this owner did anything wrong in any way, right? The  
2       pass certificate was achieved one day before it was due.  
3       That's better than late.

4 CHAIR WEISSER: This one has in a two-month period gone 3,000  
5       miles.

6 MEMBER WILLIAMS: Yes. Thank you for reminding me of that. I  
7       want to draw attention. Everybody see that in two months  
8       this was 3,000 miles. And here's actually the last possible  
9       category which is a late pass. This car didn't get tested  
10      until 104 days after it was due. Although, if I look at the  
11      whole series of records about this car, none of them are  
12      around June and I'm wondering if I'm just misidentifying.  
13      There's something odd about this car. I don't know. Every  
14      other evidence I have is that the due dates are accurate.  
15      All right. So this is all just a warm-up to how much do  
16      Californians procrastinate, so for every car, the 2.3  
17      million, I've done these computations. And now we'll look  
18      at whether these five cars are typical or not. Here is the  
19      time of the first attempt at certification versus the number  
20      of the due dates, so right in the middle is the due date.  
21      The ones marked early managed to get their act together and  
22      do it on time and the ones on the other side, including the  
23      ones greater than 90 days, are late. So 21.25 percent of  
24      Californians with registrations due in 2005 attempted the  
25      certification late. That's half a million vehicles and

1 since I have six months for half the model years, multiplied  
2 by four crudely, that's two million vehicles, had the test  
3 done late. Probably, right? Now as we were discussing,  
4 there really is no penalty for being late. But if you look  
5 at this graph, there are a lot of Californians who are  
6 persuaded that they better do it by the due date because  
7 there's this huge run-up. They might want their sticker.  
8 But if you mail - get this done three days late, you mail  
9 the thing to DMV, you're not going to get the sticker for a  
10 couple of weeks anyway, no real problem. But a lot of  
11 people seem to act as if this is a binding deadline, others  
12 not. I draw your attention to the far right. Do you see  
13 where it drops down a little bit? That's at 60 days and  
14 that's when DMV is sending out a reminder that you haven't  
15 done things and I guess that's attracting some people's  
16 attention. Over on the extreme left, minus 90 days, 89 - I  
17 don't think most people have even gotten their notice yet,  
18 but the classification is by the software that this is a  
19 test for the biennial cycle. I think we're seeing change of  
20 ownership actually there and that's sort of background noise  
21 of change of ownership and if you multiply that by 365, you  
22 get about the right turnover in the fleet. Everyone see?  
23 Okay, so this is my main diagram. How many people are late?  
24 A lot.

25 CHAIR WEISSER: The first attempt.



1 MEMBER WILLIAMS: The first attempt. Now, let's look at the  
2 pattern for those who pass the first attempt. We're sort of  
3 hoping all - is there a difference between the passes at  
4 first attempt or the fails first attempt. Here, a lot of  
5 people, like the owner of a VW Golf that we've mentioned  
6 pass, but are late. So 20.65 percent. But most of these  
7 people were early, the median that is, is 14 days early.  
8 What's really important is what do the fails do. So about  
9 ten percent of these vehicles failed, so I have 234,000  
10 vehicles. When was their registration, when was their first  
11 attempt at a certification, 26.31 percent were late and  
12 17.33 percent were more than 14 days late and you can see  
13 about two percent were more than 90 days late.

14 MEMBER LAMARE: You didn't do the median.

15 MEMBER WILLIAMS: I didn't do the median and I've got some more  
16 statistics on median in a moment. Because this is the one  
17 that really matters. When did those fails finally pass?  
18 And again, I emphasize, I'm not talking about the fails that  
19 we never see again, this is when the fails that got a  
20 certification passed. And I think this is the major finding  
21 of the day, 44.11 percent of these cars were late getting  
22 their pass.

23 MEMBER LAMARE: Of the failed vehicles.

24 MEMBER WILLIAMS: Of the failed vehicles. Half, approximately,  
25 are late.

1 CHAIR WEISSER: And that's the -

2 MEMBER WILLIAMS: And a third are more than 14 days late. It's  
3 not like they're slipping by just a day or two.

4 MALE: And nine percent are more than 90 days.

5 MEMBER WILLIAMS: Yes.

6 MEMBER LAMARE: Well, we're still talking about less than ten  
7 percent.

8 MEMBER WILLIAMS: Yes. But you can look at it another way and I  
9 think it's much more important here. What is the percentage  
10 of the total fleet to have failed, ten percent. Five  
11 percent of the total fleet is late like this, but that's  
12 half the fails. Our whole effort with the Smog Check is to  
13 identify certain cars as failing -

14 CHAIR WEISSER: And get them repaired.

15 MEMBER WILLIAMS: And get them repaired.

16 CHAIR WEISSER: Yes.

17 MEMBER WILLIAMS: And these repairs are being done late. Now  
18 how to get them to be done early and all that, let's come  
19 back to it later. I don't have too many good ideas there.  
20 But the fact is, a lot of them are late. Now another thing  
21 we can look at though, and let me catch up with my notes, is  
22 what's happening to the fail rate by time relative to the  
23 due date. I can do that for all the vehicles, but I thought  
24 it would be particularly interesting to look at the OBD-II  
25 vehicles. So here you are, you've gotten used to your

1 check-engine light being on and you know you've got this re-  
2 registration due. Do you procrastinate or do you get it  
3 done early? And so I'm asking something about this. What  
4 is the fail rate by day? The ones on the extreme left, as I  
5 say, I think they're change of ownerships and it's very few  
6 vehicles so let's ignore that. And notice that there's a  
7 slight upward slope until we hit 60 days when there's a huge  
8 upgrade. So this suggests that cars that their owners  
9 really know will fail, they particularly procrastinate.  
10 What do you think is the case for the owners of the vehicles  
11 77 to 87? I think our stereotype is here is some relatively  
12 poor household that knows they just barely passed last time  
13 by putting on quick fix, a cheap catalytic converter.  
14 They're virtually certain that they're going to fail this  
15 time. They don't have the money. I would say that they're  
16 going to procrastinate particularly. If that reasoning is  
17 true or people behave that way, then we should see and even  
18 more steeply sloping line here, the fail rate. It's not  
19 where the level is. We know these older cars are going to  
20 fail more. It's what's the fail rate by due date. Here is  
21 the same plot involving all the vehicles in the sample that  
22 are 75 to 87. Virtually flat so, so much for the intuition  
23 about that. But that doesn't look like the owners of the  
24 older vehicles that really suspect they will fail are  
25 particularly inclined to procrastinate. I'll quickly run

1 through, now that we've mentioned the 75 to 87 model years,  
2 the same basic diagrams for them, so this is the time of the  
3 first attempt and the pass the first attempt for these  
4 vehicles and that looks very similar to the overall sample,  
5 which these are included in it, but they're a small fraction  
6 of them. When the fails were first attempted and when the  
7 fails were first repaired looks pretty similar. So what's  
8 special about model years? It's not obvious that it's that  
9 different. So here's procrastination by the owner, by the  
10 age of the vehicle. And as I said, there were no 75s. So  
11 let's look down the column percent late. It's a little  
12 higher if you have 85s, 87s, 89s, especially as you go down  
13 to 99s and 97s, but it's not that different. Likewise,  
14 there's a slight decline in the percentage that are more  
15 than 14 days late with the newer model years, but it's not  
16 that different so this doesn't seem to be about old cars  
17 versus new cars as much as some people procrastinate and  
18 some don't. And it doesn't really matter what car they own.  
19 And look at this as the late fails as a percent of the  
20 fails. This says you know you've failed, when do you get  
21 that thing fixed? That's not particularly related to model  
22 year and I find most interesting the final column, the  
23 percent of fails that are repaired late. That's pretty  
24 constant across model year, so this number that we were  
25 seeing about 44 percent for everybody is across model year.

1 You might say, well model year lumps together all the  
2 various types of cars and surely there's a difference by,  
3 say if you own a VW Golf. So I just took a few examples  
4 here. I can do many more. I wanted to see if it looked  
5 like the make mattered that much, and I've also done  
6 different model years here and these are the same columns.  
7 So the first one is the percent late, then the percent more  
8 than 14 days late, the percent that are late fails, and the  
9 last column is the percent that are late to get failed. I  
10 don't know why our headings disappeared, but they did. They  
11 were there earlier. There are a couple interesting things  
12 here. Look at the 97 Volvos which are disproportionately,  
13 if the car failed - not many failed, but if they failed,  
14 they're repaired very late. I guess the quintessential  
15 soccer mom was driving a 97 Volvo and too busy to get the  
16 car fixed once it's done. There's also an interesting  
17 statistic on the 87 VWs which include the 87 VW Golfs.  
18 Notice that 30.87 percent of those owners are late, but the  
19 percentage of late fails is less. Which I think is the only  
20 make-up there where I guess I'm not that special. My car  
21 passes, but I'm late, right? I own a VW. Very strange  
22 patterns in some ways but in others very consistent. This  
23 is more about the owners. The final one on this - our  
24 headings have reappeared, I asked does it matter where the  
25 test was done, and I just made it into directed to test-only

1 like all those Camrys, volunteers, which are people that had  
2 the test done at a test-only facility, but weren't directed,  
3 and then test-and-repair. And there are differences here by  
4 test-and-repair versus directed, but there are also  
5 differences between the test-and-repair and the volunteers.  
6 It's not obvious to me then that the reason that more people  
7 are late if they're directed is because they're directed. I  
8 think it's something about them and about the car they drive  
9 perhaps. And even there, if we look at the 97s that went to  
10 test-and-repair, not that many of them were - the least were  
11 late and the least were more than - the fewest were more  
12 than 14 days late, but still 38.19 percent of those cars, if  
13 they had failed, were repaired late. I look at this type of  
14 analysis by where the test is done and the make of the car  
15 and I bet if we did a huge complicated study trying to  
16 account for these things, we'd find that it might be some  
17 small effects of these things, but the dominate one appears  
18 to be the human behavior and the basic procrastination  
19 tendencies. What really matters to us here is when do the  
20 fails get fixed and how long it takes. So I've tried to  
21 look at this and there are there types of fails: a fail late  
22 and a pass late; a fail early and a pass late; and a fail  
23 early and a pass early, which is about half of these fails.  
24 And I plotted here how long they take to get the car fixed.  
25 About 20 percent of them are fixed the same day, which is

possible, right? But many take a lot longer. Many take more than 60 days. But I find particularly interesting these statistics I've got here on the right such as 10.2 percent were not passed within 60 days of the fail and 99 percent of those were late with the pass. So that one Camry that had the car tested 67 days before it failed and then had it pass one day before, that's very unusual. If you wait that long for the repair, you were probably late all the way around. There's something worth remarking in passing in this diagram that's very interesting. Everybody see how the little - the bump at 14, there's a bump at 7, 21, 28, and I think if we went back and looked that you failed, when did you get the thing fixed, a week later, probably a Saturday. And this actually makes me think that I'm onto human behavior here. You can see that kind of thing trickles out way out there. Payday, who knows. All those things tend to be causing this cycling. We're really interested in these cars that fail and fail late, I'd say. And I want to go back then and look at the tail of the red diagram about when the cars were finally passed and look at when this subset - so I've taken out the passes that were late and just looked at the fails that were late. I didn't know what colors to use. It should be a red-blue. So these are the fails late and pass late and a big point of this diagram is that there are two ways to be late. You just

1 never got the first test done until it was late or you did  
2 that early enough, but you didn't like the news you got and  
3 you waited weeks to get the thing fixed. Here are some  
4 medians. Jude wants some medians and it's important. So  
5 the typical car that was late all the way around was 43 days  
6 late to get its pass certificate. Those that failed early  
7 and pass late is 23, which corresponds to if the last number  
8 in that column, 24, is how many days early were the cars  
9 early if they were an early fail, that was that black group  
10 in the previous diagram. Probably the main number to  
11 remember is if a fail was not fixed, the median time was 35  
12 days, five weeks. Of these late fails, what if they were a  
13 gross polluter? There were 22,840 in this set. Forty-four  
14 days was the median number of days until that was fixed.  
15 And I'm not talking about when it was first detected. But  
16 it was late by 44 days, tamp is 34, and just a simple fail  
17 category was 31. The dirtier cars are being repaired,  
18 particularly. But maybe they weren't being driven, and so  
19 why care? So I did this computation quickly from the  
20 mileage certificates in there and I thought since they were  
21 about a month late to talk about how many miles were driven  
22 in that month. So this is the median monthly mileage. And  
23 all those late to achieve the pass had driven the median  
24 miles driven, was 574, about 20 miles a day. The 97/99  
25 vehicles that failed drove typically 30 miles a day. The 75



1 to 87, ten, but they're being driven. Including the gross  
2 polluters and the tampered. And those that are particularly  
3 late, the 60 days late, are being driven, too. That one  
4 Camry that was 18 days late and had only been driven 50  
5 miles was unusual, unusually small. Now I haven't gone the  
6 next step and said from the readings of the tests how much  
7 pollution does this equate to, but that's something we could  
8 do with some further calculations. I just wanted to see if  
9 this mattered because it's possible that all these late  
10 cars, it's the third car hardly ever driven, what difference  
11 does it make when it's really tested, even if it fails?  
12 That doesn't look to be happening. In fact, these cars are  
13 being driven a fair amount, and because they are polluting,  
14 the procrastination is causing more pollution. So I say  
15 that there are now answers to the three basic questions and  
16 I bet if I did it for every car in 2005 instead of this  
17 subset, this is going to be so strong that this can be  
18 stated as very likely, if not fact, about 20 percent of  
19 Californians are late with their biennial Smog Checks.  
20 Those whose vehicles fail are slightly more likely to be  
21 late for their initial test, but not overwhelmingly more  
22 likely. It's not this nice, moral situation where if you  
23 fail you're late and if you pass, you were always early. A  
24 lot of the late ones are passes, although there are more of  
25 them that are fails. I find most important is the answer to

1 three, close to half of the failed vehicles are not passed  
2 by the re-registration due date and many of those, most of  
3 those, are more than 30 days late. Unfortunately, those  
4 answers raise yet more questions, or perhaps they raise  
5 questions about how the people react to being late. And  
6 let's just think about this as a policy of saying if you're  
7 late, you've got to pay a penalty, which you don't have to  
8 do now. Well, that would cut differently if it's the same  
9 Californians that are late all the time, that versus, now  
10 and then somebody's just late and they feel put upon because  
11 there's a penalty. They couldn't help themselves this one  
12 time and generally they're fine. Or they're particularly  
13 inclined to procrastinate, but that gets us into if this is  
14 a person who's late filing his State income tax and getting  
15 his property taxes paid, just basically not coping with  
16 life, I don't think a \$10 late penalty on a Smog Check is  
17 likely to fundamentally change that person's behavior. I  
18 think we could study - I would study a little bit more. I'd  
19 just go back with these due dates and look at the test two  
20 years before, was that one late, too. Or if there was a  
21 similar car because I could use the DMV data to look at who  
22 owns multiple vehicles. I'm curious about the next  
23 question, which Californians are late with the re-  
24 registration fee to DMV because in all this, where I say 20  
25 percent were late, well, many more could have been late with

1 no consequences, but a lot seem to thinking that they have  
2 to get it in by the due date and maybe if we make it obvious  
3 that - more obvious that there really isn't a penalty, or  
4 that we put a penalty on and so they really think about what  
5 the penalty is, they'll be even more that are late. So I'm  
6 hopeful that maybe with some cooperation with DMV we can  
7 find out even a crude number, how many are actually late  
8 with the registration fee, and are they the same people that  
9 are late with the Smog Checks, or particularly late.

10 MEMBER KRACOV: What do you mean if there were a fee or a  
11 penalty for not having your Smog done would make people -

12 MEMBER WILLIAMS: Well, they might. I think many people now are  
13 acting as if they're late for paying DMV and late with their  
14 Smog Fee, they have the penalty. If we make it more  
15 explicate that there's a late fee for DMV and a late fee for  
16 Smog Check, maybe everybody will say, well the DMV one, if I  
17 have a fairly new vehicle might be a \$200 penalty, the Smog  
18 Check \$20, they're even more inclined to procrastinate about  
19 the Smog Check. I don't know, people are acting now as if  
20 there's a penalty when there really isn't. So I'm just  
21 saying we would need to understand what they perceive to be  
22 the penalty before we tinker with -

23 MEMBER KRACOV: If I could just ask another question. But if  
24 the penalty for not having the Smog was a little bit more  
25 than diminimous, that may encourage them to get the Smog

1       done earlier.

2   MEMBER WILLIAMS: I agree. I'm just making the point that a lot  
3       of people are acting as if there is a penalty and so we want  
4       to be careful.

5   CHAIR WEISSER: Well, they're trying to be good citizens.

6       Gideon, if I could ask you to identify yourself when you  
7       speak, at least for the first times, it will help the  
8       transcriber.

9   MEMBER WILLIAMS: Let me finish these last two, which is the end  
10      of my talk. I'm curious as to whether you've had an  
11      experience and your car failed, say in 2003, does that make  
12      you more or less inclined to procrastinate the next time.

13      We could all hypothetically -

14   CHAIR WEISSER: Once you realize that there's no penalty -

15   MEMBER WILLIAMS: Then maybe you're more inclined. And finally,  
16      I want us to think about what all this means for the M-Fact  
17      emission model, which I understand but I'm probably wrong,  
18      has this basic view that 99 percent of the people comply  
19      with Smog Check and one percent never get it done. Well,  
20      the reality is some comply early, some comply late, the  
21      fails are disproportionately late and some never get it  
22      done. There is surely some percentage of never getting it  
23      done. Everybody else gets it done on the due date that  
24      approximates sort of what happens, but I don't know that M-  
25      Fact has that number right and more important, if you change

1 other aspects of the program, it will change all of those  
2 computations. As complicated as that M-Fact model appears  
3 to be, I bet they don't have a representation of when people  
4 actually get the cars fixed, relative to the first test.  
5 And that may mean there is both a real and a conceptual  
6 emissions benefit of getting the procrastinators of the  
7 failed vehicles to fix their cars faster. And I'll end  
8 there.

9 CHAIR WEISSER: Well, thank you, Jeffrey. Stay there, I'm sure  
10 there'll be many questions, both from us and perhaps from  
11 the audience. Now is there any way you can hypothesize that  
12 there wouldn't be an emissions benefit if you could somehow  
13 get people to do their smogs on time and get the repairs  
14 needed on time?

15 MEMBER WILLIAMS: Well, I agree with that. I'm just worried  
16 that if we sort of make all this even more transparent, more  
17 people will procrastinate. I think in general, but my gut  
18 instinct is, that if you make it more of a penalty, they're  
19 going to do it more on time. A little introspection is  
20 suggested that it's not the financial penalty that motivates  
21 most people, some motive, but it's just the trouble of doing  
22 all this. So I would propose that you're late with your  
23 Smog Check, whether you pass or fail, you don't get two  
24 years until the next one, you get only one. And when you  
25 finally get the thing done on time, you can get two years.

1 CHAIR WEISSER: That's - anything with a biennial cycle I'm in  
2 favor of.

3 MEMBER WILLIAMS: That sounds right to me and that would get  
4 many more cars done annual because I think a lot of people  
5 procrastinate and if they don't procrastinate, fine.

6 CHAIR WEISSER: I like the idea. We'll start at the left.

7 Roger, do you have a question?

8 MEMBER NICKEY: I just have a couple of comments and  
9 observations. This is Roger Nickey. We see a lot of the  
10 60-day reminders. People come in going, oh my God, I  
11 forgot. Now I would wonder what the impact would be instead  
12 of sending them at 60 days, they send them out at 30 days.  
13 That might have a big one.

14 CHAIR WEISSER: I don't know how well DMV processing can link  
15 that.

16 MEMBER WILLIAMS: I think it could and the main point for us is,  
17 there are a lot of emissions occurring during those extra  
18 days.

19 CHAIR WEISSER: Yes.

20 MEMBER WILLIAMS: I don't know if we can capture them in the  
21 sense of M-Fact capturing them, but they're real emissions,  
22 although if the person just puts on a cheap catalytic  
23 converter that's going to burn out in 90 days anyway, if  
24 they'd done it 30 days earlier doesn't really change  
25 anything. If we think most repairs last, we would like them

1 to be done earlier.

2 MEMBER NICKEY: The same-day question, we get a significant  
3 number of cars that fail ignition timing, they go out and  
4 get a set and come back the same day, or a broken vacuum  
5 line and they go out to Kragen and buy a piece of vacuum  
6 line, fix it, come back and get it fixed the same day. The  
7 last comment I had when you mentioned Volvos and Volkswagens  
8 taking longer, those are cars that I have personal  
9 experience with that it takes longer to get the parts and  
10 they're generally a lot more expensive. Most of those cars  
11 that fail don't have parts available in the aftermarket.  
12 You can't just go down to the parts store a disgromificator,  
13 you've got to get it from the dealership and it just takes  
14 longer and they're generally a lot more expensive. That  
15 probably accounts for why those particular two kinds of cars  
16 take longer.

17 CHAIR WEISSER: Gideon, did you have your -

18 MEMBER KRACOV: Yes, I've just got a couple different questions  
19 and this kind of feeds into one of the topics that we're  
20 looking at which is a program avoidance. I'm working with  
21 Rocky on that and we can talk a little bit later about it,  
22 too. Our feeling is how do we know if folks are avoiding  
23 the program and since Smog Check is tied to vehicle  
24 registrations, we really kind of said, well, let's look at  
25 the vehicle registration, because if they're not registered,

1 we don't know if those folks had gotten the Smog Check so  
2 it's a good way to look at program avoidance. But what  
3 you've looked at here is re-registrations, plus, we know  
4 that there as many as four percent, maybe even more, of cars  
5 on the road that don't have registrations.

6 MEMBER WILLIAMS: That's probably a little high, but there are  
7 some.

8 MEMBER KRACOV: Right. So based on what you've kind of found  
9 here and based on the fact that - and we hadn't even talked  
10 about change of ownership, and probably there are certainly  
11 a number of folks that haven't gotten their Smog Checks  
12 there, do you think that the M-Fact model, the 99 percent is  
13 accurate or do you think that that overstates -

14 MEMBER WILLIAMS: I just can't believe it's accurate. But I  
15 don't know even about it. Remember how hard it was to  
16 understand what's going on in that model, but I don't  
17 remember in those presentations there being any discussion  
18 over implicit assumptions about when the tests are done  
19 relative to due dates and how quickly things are fixed, and  
20 so forth. So I suspect that there's an assumption in there,  
21 but it's not even known what that assumption is because it  
22 hasn't been thought about. I may be wrong.

23 CHAIR WEISSER: But if you were to try to calculate the amount  
24 of annual emissions that are the base. What are the annual  
25 emissions of automobiles subject to Smog Check, then that



1 slice of reductions due to Smog Check, and then there's  
2 going to be a slice additional emissions which could be  
3 accrued to Smog Check if the customers, the clients, the  
4 people, had their Smog Checks done on a timely basis and  
5 repaired promptly. I imagine in the scheme of things -

6 MEMBER WILLIAMS: (overlapping)

7 CHAIR WEISSER: Excuse me?

8 MEMBER WILLIAMS: I would guess that that number is fairly big  
9 on the scales that we're used to because these repairs are  
10 mostly done five or six weeks late.

11 CHAIR WEISSER: Okay.

12 MEMBER WILLIAMS: And -

13 CHAIR WEISSER: So you have five or six weeks over a two-year  
14 period, which you have to divide in half, so it's three  
15 weeks of an average - since the deterioration of repairs is  
16 - so you're dealing with about a seven or eight percent  
17 factor there. Is that about right, guesstimate I mean, back  
18 of envelope?

19 MEMBER WILLIAMS: Sounds right.

20 CHAIR WEISSER: So it would be 7.5 percent potential improvement  
21 if you had perfect compliance of that seven or eight  
22 percent. So if you take a midpoint of that, let's say you  
23 improved the program by doubling its performance and you're  
24 getting about a four percent improvement, which I'm sure ARB  
25 would love to grab. Tom, we're going to be asking you about

1       this. Please continue, Gideon. Sorry I interrupted.

2 MEMBER KRACOV: No, that's okay. And again, I'm just asking  
3       these questions because this is very fine work and obviously  
4       you've thought about this a little bit, so even if you don't  
5       a -

6 MEMBER WILLIAMS: I didn't start until fairly late on it after  
7       all. This is my first cut through this.

8 MEMBER KRACOV: And again, I'm just asking you for your initial  
9       feelings for some of these at first blush, but taking a step  
10      back, when we're talking about a program avoidance, we have  
11      really focused on this registration issue as a really good  
12      barometer as to know who is avoiding the program. What do  
13      you think about that? Should we continue to kind of tie  
14      those two together, and that's really - I mean, are there  
15      other ways we could get a barometer of who's avoiding the  
16      program or should the focus be on registration as it kind of  
17      has been through our analysis?

18 MEMBER WILLIAMS: I'm sure there are other ways, but this is  
19      suggesting, just looking at the registration data, is  
20      telling us a lot. Why the cars are retiring, are they  
21      really retiring, non-ops and all that, I think it's really,  
22      really important. And here's one, these are vehicles that  
23      we don't even have - we've never even thought of as avoiding  
24      the program. They passed. They got a certificate and  
25      there's a lot of slippage, should I call it that, from these

1 vehicles in that they're so late.

2 MEMBER KRACOV: And one of the things we've kind of talked a  
3 little bit about is trying to make sure that more folks  
4 either get registered, as close to 100 percent as the on-  
5 road fleet, and I guess also that the folks that are  
6 registered also get their Smog Checks as soon as possible.  
7 Is there anything else that you think can help us close this  
8 registration loophole, which we agree is so important to  
9 making sure that folks aren't avoiding the program?

10 MEMBER WILLIAMS: Well, it sounds to me as if DMV thought more  
11 about the whole issue of the Smog Checks, they're thinking  
12 about the fees and, oh, incidentally, there's a Smog Check.  
13 Now there records say - they don't issue the re-registration  
14 unless there's a Smog Check but they're surely not sending  
15 people reminders, our records suggest that you're 30-days  
16 last on a Smog Check, what are you doing, and if people  
17 respond to those letters - they can print those out just as  
18 easily as, our records say you didn't send the check in.  
19 And if people respond to that (overlapping) - what?

20 MALE: I said there's more money in it when you're -

21 MEMBER WILLIAMS: Well, there's more money for them, but if you  
22 would take the whole prospective California, there would be  
23 less air pollution if people were prompter to get a Smog  
24 certification.

25 CHAIR WEISSER: Anything further, Gideon?

1 MEMBER KRACOV: That's it for me. Thank you.

2 CHAIR WEISSER: Jude?

3 MEMBER LAMARE: This is getting real fruitful. We could also  
4 think, instead of how to keep people from being late, as how  
5 to encourage people to be early in complying with their DMV  
6 registration and their Smog Check requirement and get the  
7 additional benefit of the emission reduction sooner. And  
8 certainly just a spiffier management of those programs would  
9 increase revenue flows as well as getting emission benefits.  
10 But one thing that you've suggested, someone suggested, a  
11 30-day reminder and we could accelerate that back to trying  
12 to get more people to get there before the due date and  
13 earlier is better. One technique that some people really,  
14 really hate is getting phone calls at home. Automated phone  
15 messaging has increased remarkably in recent years. But  
16 some people need to get a phone reminder and having things  
17 in the mail isn't very meaningful to them and I would guess  
18 that what we're looking at here is that for a lot of people,  
19 they manage their stuff pretty efficiently and they make  
20 sure they hit all their deadlines. There's probably a woman  
21 involved in there somewhere. That's certainly one of my  
22 thoughts on the subject. But different ways of contacting  
23 the vehicle owner to remind them that they have a Smog Check  
24 due and they have a registration due is something that the  
25 State might want to explore since you've identified some

1 real benefits. And the phone messaging is one way, if we  
2 can get those phone numbers associated with those vehicle  
3 records.

4 CHAIR WEISSER: The jury will note that's Ms. Lamare's  
5 suggestion.

6 MEMBER LAMARE: Thank you.

7 CHAIR WEISSER: Mr. Pearman?

8 MEMBER PEARMAN: Just following up on one point Jude made and  
9 also something that missed the text book about today, is  
10 seems like it takes so long for recommended improvements to  
11 get into effect. We're going to be like in four years, for  
12 example, before the high-mileage vehicle or older vehicle  
13 annual inspection if it ever passes could take place.  
14 Couldn't the ARB or BAR incentivize more frequent or earlier  
15 inspections? Could they offer some subsidy to cars in the  
16 high-emitter profile to come in every year or to come in six  
17 months before their registration would normally end and see  
18 what would happen on a test basis to see if that would in  
19 fact bring them in in some significant numbers and therefore  
20 get those benefits? Do you need a statutory change to do  
21 something simple like that?

22 CHAIR WEISSER: I don't think they necessarily would need a  
23 statutory change for a voluntary program, but they probably  
24 would need a budgetarily approved authorization to spend the  
25 money in that sort of fashion. I don't know. It's an

1 interesting idea. Bruce?

2 MEMBER HOTCHKISS: Well, as someone who is real close to being  
3 late, I would say the idea of the penalty - I sent my fees  
4 in to avoid the penalty. The idea of giving me a penalty  
5 for not getting the Smog Check, I kind of like Robert's  
6 idea. Instead of penalizing people, give them something to  
7 do it early. I mean, you show up a month in advance, I  
8 don't know, we'll give you a reduction. Because that  
9 certainly would motive me much more than a penalty. We  
10 react negatively to punitive measures.

11 CHAIR WEISSER: I'm a hammer and carrot guy and I like the  
12 notion of come back in a year if you didn't get it on time,  
13 sucker. It's indicative that you're sloppy and that you  
14 don't have a type-A woman structure in your behavior  
15 patterns or near about, according to Ms. Lamare. Please.

16 MEMBER KRACOV: Rocky, as we're talking about the program  
17 avoidance, I hope that some of these ideas that have been  
18 thrown out here today are being taken note. I know that our  
19 recommendation for the program avoidance is that vehicle  
20 owners whose vehicle fails a Smog Check inspection and fail  
21 to repair their vehicle within 90 days should be subject to  
22 a fine. I think we've tossed out today about putting  
23 another special fine on Smog Check if you're late. We've  
24 talked about some of the notice in different ways. We've  
25 talked about some carrot approaches. I think that all

1 things should be on the table as we refine some of these  
2 recommendations that we're making.

3 MR. CARLISLE: Yes, not only that, I want to mention, too, that  
4 we're also going to take the next step for this same dataset  
5 and attempt to quantify the emissions benefit.

6 CHAIR WEISSER: Yes, that would be very desirable.

7 MEMBER KRACOV: The other question I have, and this is also on  
8 Page 23 of our detailed report, but in the studies that talk  
9 about the determination of non-registration rates for on-  
10 road vehicles, and that's the 2002 UC Riverside report, it  
11 indicates that about 97 percent of on-road fleet is  
12 registered. Of these, there was this weird group of 1.3  
13 percent fail. So of the registered vehicles, there's 1.3  
14 percent that fail. I guess that's different than the group  
15 that we're talking about because if you haven't gotten your  
16 Smog, you technically wouldn't be re-registered. Do we know  
17 what that 1.3 percent of failed registered cars is, Rocky,  
18 or any idea?

19 MR. CARLISLE: No, not yet.

20 CHAIR WEISSER: I won't say a word. Are there other questions  
21 from Members of the Committee? Let me open it up for some  
22 comments from the audience and then we'll put a wrap on it.  
23 We'll start with Mr. Ward.

24 MR. WARD: Randy Ward, California Emissions Testing Industry  
25 Association. I want to thank Dr. Williams. I think that's

1 very interesting work and I would echo Jude's comment that I  
2 think we have the germination of something here. The issue  
3 of program avoidance that Member Kracov told about is an  
4 issue that is near and dear to my heart. The most recent  
5 number I have that I think will further enlighten the  
6 Committee is that you've heard lots of complaints from Mr.  
7 DeCota about the 36 percent directed to test-only. Well, of  
8 the 36 percent directed to test-only for 2005, 24 percent  
9 showed up. Now, I have to assume that those vehicles  
10 weren't registered, but I know better. Many of those  
11 vehicles did get registered without a Smog test.

12 CHAIR WEISSER: Do you just think the DMV system has holes in it  
13 or something?

14 MR. WARD: Yes, it does have holes in it. The system itself has  
15 holes in it. I think you can start taking a look at vehicle  
16 registrations and I suspect Dr. Williams and I would have to  
17 sit down because he's got the database to do it. You can't  
18 do this on a traditional PC. The dataset is just too large.  
19 But I think we could probably come up with a hypothesis here  
20 that bore some relevance to what the actual reasons are. I  
21 do know that DMV, a clerk, can bypass the Smog Check on a  
22 registration. And I do know that that has happened and the  
23 last I saw was probably a pie chart that's now five years  
24 ago that diagramed the various percentages of vehicles that  
25 had received a registration, but not a Smog Check. And that



1 was a fairly large portion of the pie chart. We're talking  
2 about additional tons that you may be able to grab under the  
3 existing program, under existing authority that the Bureau  
4 and the ARB have.

5 CHAIR WEISSER: Randy, that's an extremely serious thing that  
6 you've just said -

7 MR. WARD: It's true.

8 CHAIR WEISSER: - in passing.

9 MR. WARD: It's true.

10 CHAIR WEISSER: But that seems to be something that could be  
11 fixed with programming that would preclude that sort of  
12 misbehavior from occurring. That's - you don't - am I  
13 getting into something - people are giving me some strange  
14 looks here. I mean, if this is any sort of reflection of  
15 any level of corruption, I want to know about it.

16 MR. WARD: Listen, I think that BAR would better equipped to  
17 explain. They have regular meetings with the Department of  
18 Motor Vehicles and it's been a subject of discussion and I'm  
19 not sure - and I wouldn't say the BAR bears any  
20 responsibility here because they are aware of it, they've  
21 brought it to the attention to the Department of Motor  
22 Vehicles and what has happened from that point, I have no  
23 idea.

24 CHAIR WEISSER: Okay. Thank you, Randy. Please.

25 MALE: I have one question that I'll clarify. You said of the

1       36 percent directed, you said 24 percent showed up. Now you  
2       mean that there was a loss of 12 percent or 24 percent of  
3       the 36 percent?

4   MR. WARD: No, a loss of 12 percent.

5   MALE: A loss of 12 percent.

6   CHAIR WEISSER: So they increased the number of directed  
7       vehicles in order to get to the 36 percent target; is that  
8       correct?

9   MR. WARD: If you were going to get to the 36 percent target in  
10       theory, you would have to increase the number of vehicles  
11       directed to somewhere around -

12   MALE: Fifty percent.

13   MR. WARD: - yes, 48 or 50, which they are not doing. They are  
14       directing 36 percent, of which 24 are showing up. So the  
15       complaint that is levied here by Mr. DeCota often about the  
16       number of vehicles going to test-only also includes  
17       volunteer vehicles, which has in itself its own explanation  
18       which I would say is very consistent with Dr. Lamare's  
19       study.

20   MALE: Pardon me, just a follow-up. The missing 12 percent then  
21       is what we're sort of talking about here in some respect.

22   MR. WARD: That's right. In other words, if you annualize that  
23       figure, it's an annual 12 vehicles of the fleet that you  
24       have no idea - and this is of the HEP, this is HEP vehicles,  
25       so these are the vehicles that are clearly the most likely

1 to be creating emission problems.

2 MALE: I've asked that question about that 12 percent many times  
3 and I never get an answer.

4 MR. WARD: Well, it's not an easy answer and in defense of the  
5 Bureau, the Bureau has spent time on this. It might be  
6 worthy of spending some additional time or having them give  
7 you a presentation on their level of frustration and the  
8 issues they've looked at, but I know it has been an issue of  
9 concern in the past for the Bureau.

10 CHAIR WEISSER: Thank you. Bruce, do you have a comment?

11 MEMBER HOTCHKISS: Yes. DMV has the authority to override on a  
12 variety of issues, and I wouldn't want to characterize every  
13 Smog inspection that they override as being some kind of  
14 crime. Some of them that I've heard about are people who  
15 were out of cycle, for some reason they got a notice for  
16 Smog, they got one last year. They go in and complain, why  
17 am I being sent again, and it's overridden. There are  
18 certainly times when the clerk will override something they  
19 shouldn't, but they override drive-test failures, they have  
20 the ability to override a lot, so it's a much bigger issue  
21 that just the Smog Check.

22 CHAIR WEISSER: Okay. I just - my heart starts pounding when I  
23 hear those sorts of insinuations. Are there other questions  
24 from Committee Members at this point? I'm going to go to  
25 Len and then Steve.

1 MR. TRIMLETT: Len Trimlett. A couple things. First, if DMV is  
2 overriding, DMV clerks are overriding the system, you'd want  
3 to know about it and see how are they overriding it.

4 Another thing with relation to late registrations, I get my  
5 registration certificate 90 days in advance. I go to DMV  
6 and they won't take your fees until 60 days before. Try  
7 moving the registration certificate to 60 days before  
8 instead of 90 days. Out of sight, out of mind. Something  
9 to think about.

10 CHAIR WEISSER: I can actually remember myself getting that  
11 notice and saying, oh, it's Christmas, I'll worry about it  
12 next year, and sticking it in my pile and it disappearing.

13 MR. TRIMLETT: Yes, it disappears. Out of sight, out of mind.

14 CHAIR WEISSER: Right. Thank you.

15 MR. TRIMLETT: Move it up to 60 days.

16 CHAIR WEISSER: Thank you. Steve?

17 MR. GOULD: Steve Gould. About that missing 12 percent, we  
18 encountered that problem back at BAR in 99 and we found when  
19 we first started directing vehicles that there were a number  
20 that were missing and the reason for that was vehicle  
21 attrition. In the years where the HEP originally focused,  
22 let's say that would be 12- to 15-year-old vehicles or  
23 older, the attrition rates run about 13 percent a year, 14,  
24 they max out at about 14 percent a year. So over a two-year  
25 period, you'd expect about 28 percent of the vehicles to

1 disappear. In addition to that, you have a lot of vehicles  
2 that are taken out of state. The 12 percent missing is a  
3 concern, but there are some explanations for it. The second  
4 point with respect to Jeff Williams' presentation, the point  
5 where you saw a declining number of late registrations and  
6 then it goes down and keeps going off, that is the 60-day  
7 notice, but that is not a 60-day notice from DMV. That is a  
8 60-day notice from Franchise Tax Board saying if you have  
9 not paid your fees to DMV, we're going to give you a  
10 penalty. And that was where the reaction was, so I thought  
11 that might be worth thinking about.

12 CHAIR WEISSER: Thank you, Steve. Mr. Peters?

13 MR. PETERS: Yes, I'm Charlie Peters, Clean Air Performance  
14 Professionals representing motorists. Certainly interesting  
15 discussion, but when we've got 1.43 million U-Hauls that  
16 never get a Smog Check that are in California and are  
17 required to go outside of California at least one day a year  
18 to be eligible and none of them ever gets a Smog Check  
19 anywhere in the country, including U-Haul, which is  
20 registered in Arizona that has a program not one of them  
21 ever gets a Smog Check in Arizona where they're registered,  
22 ever. And we just ignore this because it appears as though  
23 certain interests have a whole lot more political horsepower  
24 than this Committee has any guts to address. So I find this  
25 area of discussion meaningful, important, and certainly

1 would love to see somebody look into some of this. I think  
2 the U-Haul is just a minor part of a very large opportunity  
3 where if you look at the general population, cars that get  
4 registered in zip codes that don't require Smog Check, cars  
5 that get just a lot of things that are just being swept  
6 under the table here because we don't want to make any  
7 waves, I would highly encourage the Committee to actually  
8 address some of these issues and actually look into them and  
9 even consider the possibility of U-Haul, etcetera, actually  
10 being on the table here for consideration for taking a  
11 little better look at what is going on. You've got 1.43  
12 million cars that are not subject to Smog Check if the cars  
13 go out of state at least once a year. Where's the evidence  
14 that that's taking place? I see none. Is any of those cars  
15 going out of the state of California? Probably not. Does  
16 anybody care? Obviously not. So if this was about the air,  
17 we'd be dealing with some things that mattered and of course  
18 this has only been on the table for 15 years, totally  
19 ignored.

20 CHAIR WEISSER: Thank you, Mr. Peters. I'd like to invite any  
21 comments on the information that was presented by Dr.  
22 Williams from either ARB or BAR. To me, it's kind of  
23 interesting and I'm wondering if you're curious about it and  
24 if there is a potential opportunity here to utilize this  
25 information as an entry point to something that might

1 actually result in reducing emissions. Tom, any reactions?

2 Allan, any? Is something that you think might be -

3 MR. CACKETTE: Well, I think when we looked at this before, we  
4 were mainly focusing on those that never registered for a  
5 long, long period of time and as the data shows, it's an  
6 important but small number of people that altered their  
7 cars, so we still care about those. But I don't we had  
8 really paid any attention to just being late. I'd be  
9 interested in the emission analysis because it's not  
10 completely straight forward. It depends on how fast the  
11 cars deteriorate. So if you were to take a slice - let's  
12 say that every car was either dirty or clean, had no  
13 deterioration for two years and then became dirty again, if  
14 you took a slice in time, you would find that most of the  
15 okay cars, there's a fraction of the cars that are late and  
16 there would be a fraction of cars that were clean because  
17 they were late from the last cycle. They had a two-year  
18 clean window and it would work out to be no impact, I think,  
19 if you looked at a slice in time. We know, however, that  
20 the failed cars are failing again at a fairly high rate  
21 relatively quickly, which is the whole purpose of this new  
22 analysis that we're trying to do. And so I think the delay  
23 does end up with a cumulative net increase in emissions in  
24 any one slice, any one day, that you look at this.

25 CHAIR WEISSER: I don't understand one part of what you said.

1 You have a 24-month cycle, right, and if I'm getting my Smog  
2 Check and effecting repairs in month 26, going past the -  
3 and then I have to get that Smog Check again done in month  
4 48, two years after the 24, haven't I gained two months?

5 MR. CACKETTE: Yes, you have, but if you look at it as a slice  
6 in time, there would be, in my hypothetical thing, there  
7 would be cars that are cleaner than there would otherwise be  
8 because they delayed their Smog Check. They just take the  
9 24-months of cleanness and move it in time a couple of  
10 months along.

11 CHAIR WEISSER: So you're saying that -

12 MR. CACKETTE: But I don't think that's the case in most cases  
13 because the cars don't last two years. The repairs on the  
14 cars, the low emissions don't last two years, so in that  
15 scenario, there would be a net increase in emissions.

16 CHAIR WEISSER: But in projecting how long those repairs last,  
17 do you just straight-line the deterioration?

18 MR. CACKETTE: Well, we have from way back when we did these  
19 1,000 car studies, and that's what's in the model, we have a  
20 projection of deterioration over time, but I don't think it  
21 jives completely with what we're seeing from the roadside,  
22 which shows that the failed cars fail again. Well, the  
23 statistic is 40 percent of the cars that failed got a repair  
24 are failing again on an average of six months later. And  
25 that's what we're looking at is why is that. Why aren't the



1 repairs durable. And on the question of whether this delay  
2 concept in M-Fact, I'm sure it's not. It's a new one, so I  
3 don't think M-Fact just assumes cars get fixed over two  
4 years and then they deteriorate depending on whether they  
5 passed or failed. They deteriorate over time over the next  
6 two years.

7 CHAIR WEISSER: Anything else you'd like to add, Tom?

8 MR. CACKETTE: No, I think it was very interesting and I think  
9 there is a potential - since there was a large number of  
10 cars, even though it's a small period of time, it may be as  
11 important as those small amount of cars that wait whole year  
12 before they get repaired.

13 CHAIR WEISSER: Thank you, Tom. Anything BAR would like to add  
14 to this?

15 MR. COPPAGE: The only thing I could speak of is the program  
16 avoidance issue. I spoke earlier regarding BAR's public  
17 outreach programs and apparently some of the preliminary  
18 conclusions Dr. Williams draws. Human behaviors goes across  
19 the board with this and we have reached out with our public  
20 education arms to education consumers about this. You can  
21 only go so far. You can share the information with people  
22 and they're the ones that decide what to do with it in a  
23 timely fashion or in a late fashion to degrees. So the  
24 program avoidance program obviously is an issue and based on  
25 our outreach, we're doing everything we can, but we're not

1 the only ones in this.

2 CHAIR WEISSER: Thank you. Are there any other comments at this  
3 point in time? Seeing none, what we're going to do is break  
4 for lunch. Rocky, we have to abandon this room at 3:00  
5 today?

6 MR. CARLISLE: Yes, 3:00 we have to vacate.

7 CHAIR WEISSER: What time is it, 40 minutes for lunch? See you  
8 at 1:00, folks. So we'll adjourn it until 1:00.

9 - oOo -

10 CHAIR WEISSER: Okay. Are we recording?

11 MR. CARLISLE: Yes, we are.

12 CHAIR WEISSER: Okay. We will now reconvene the meeting, folks.

13 I hope everyone had a delightful lunch and watched the two  
14 strange goals scored at the World Cup. We're now ready to  
15 move into a discussion once we disable our cell phones.

16 Thank you for the reminder. A discussion of the IMRC Report  
17 and I wonder first if you might to give a little - do you  
18 want to give any little background?

19 MR. CARLISLE: Well, yes. What I was hoping to accomplish  
20 today, first of all, was to review this from a topical  
21 perspective, not necessarily go line-by-line edits, but get  
22 a consensus what we're going to leave in this report, what  
23 we're not. Talk a little bit about the six recommendations.  
24 I've also added in the four previous recommendations we made  
25 from the 2004 report. And there's one other piece I'm going

1 to have Janet make copies of when she gets up here and that  
2 is the program evaluations, the methodologies for program  
3 evaluations. And so a lot of these have been on the table  
4 for quite some time and my thought was we needed to move  
5 forward on these so that then we can redirect our resources  
6 to the issues of, for example, quantifying emissions  
7 benefits by station type, looking at the high-emitter  
8 profile, and some of the more intensive issues that are  
9 going to take a lot more time.

10 CHAIR WEISSER: Okay. I think what be best, Rocky, to go  
11 through this is to initially just skirt through what you  
12 characterize as the Executive Summary, and use that as a  
13 template for getting out large policy issues. And then,  
14 time permitting, go into the issues in whatever amount of  
15 time we have left. I've gone through the report, I know  
16 Jude has, I'm sure many of the other Committee Members have,  
17 and I will leave you my marked up version to try to capture  
18 the edits that I have suggested so far. Janet, there's a  
19 document on your desk that we need copies for the Members,  
20 so when you get a moment. Okay. So, in the consumer  
21 information, the first question that comes to me is - well,  
22 the report says - the draft says, however the IMRC has never  
23 conducted a consumer information survey, when I guess in  
24 fact we have. So you might want -

25 MR. CARLISLE: Until now, that's what I'm -

1 CHAIR WEISSER: This is an edit, but as part of 2004 -

2 MR. CARLISLE: Right.

3 CHAIR WEISSER: Okay. The recommendations for an annual  
4 consumer information survey - and I'm wondering if we should  
5 do an annual or a biannual, I don't know. But you might  
6 want to give a little wiggle room once every year or two.  
7 At least that's my thought. The Committee Members are -  
8 maybe we should ask for an annual knowing that we'll slapped  
9 down to make it a biannual. That was one thought. I like  
10 the recommendation. Jude has many suggestions associated  
11 with the write-up that we'll get to right now. Jude?

12 MEMBER LAMARE: What Janet is copying is a page called  
13 Principles of Evaluation that we had talked about but  
14 somehow didn't get in. In those principles is the idea that  
15 the evaluation of the Smog Check Program should include a  
16 consumer survey. So I really think that's where that  
17 recommendation belongs, rather than in our section on what  
18 our consumer survey found. What our consumer survey found  
19 were some findings about the consumers that were relevant to  
20 the program evaluation and I think they should be included,  
21 even in the Executive Summary.

22 CHAIR WEISSER: I agree.

23 MEMBER LAMARE: This was very off-putting for me because I'm too  
24 invested in the whole thing and I'm thinking this is not  
25 what this was about at all, so I don't think that this

1 summary and consumer information and this recommendation  
2 really reflect what the consumer survey was about and what  
3 the recommendations were from the consumer survey and so I  
4 have specific edits that I would suggest. And I know how we  
5 did this. You know, Rocky took what was in the Executive -  
6 a major part of what was in the Executive Summary of the  
7 consumer survey, the description of it, which is a couple  
8 years old now, a year old?

9 MR. CARLISLE: About a year old.

10 MEMBER LAMARE: And so no criticism intended and I really agree  
11 with you that an annual - even though we reviewed all of  
12 that stuff a year ago and it was approved and it was  
13 released and it sent to the legislature, so in sense, it's  
14 all been vetted, I think it's fair game to reconsider that  
15 and I also would question having an annual consumer survey.  
16 But again, I believe that the recommendation about the  
17 survey should be in the principles of evaluation, not in the  
18 section about what we found in our consumer survey, because  
19 we didn't find in our consumer survey that consumers wanted  
20 us to talk to them every year. That wasn't a finding of the  
21 survey. Our findings were a little bit different and just  
22 to recap them, I would say one is that having a consumer  
23 survey does help balance the information that the Committee  
24 is hearing so that they're hearing from consumers as well as  
25 industry advocates and agency personnel, that the consumers

1       were satisfied with the program and didn't find very few  
2       problems that the program is working from their point of  
3       view, that the awareness of the Consumer Assistance Program  
4       is extremely low, even amongst those who would be income  
5       eligible. To the best of our estimation one of the major  
6       findings of this survey was people are not aware of not  
7       using the Consumer Assistance Program to help them repair  
8       their vehicles. And I think that clearly BAR is addressing  
9       that with Breathe Easier or the Breathe Easy Program. We  
10      also found in our consumer survey that there is a difference  
11      between air basins and that those air basin differences are  
12      statistically significant.

13 CHAIR WEISSER: Differences in terms of access to the Consumer  
14       Assistance Program.

15 MEMBER LAMARE: Differences in use of test-only, differences in  
16       CAP participation, differences in time in repair shops,  
17       differences in problems encountered - and I think that was  
18       mostly had to do with the Bay Area being rather new to the  
19       program, the last one. Okay, so -

20 CHAIR WEISSER: But, Jude, you've submitted suggested edits to  
21       Rocky already.

22 MEMBER LAMARE: I will.

23 CHAIR WEISSER: And these should be incorporate, Rocky, into  
24       your next draft.

25 MR. CARLISLE: Oh, they will be, yes.

1 CHAIR WEISSER: And -

2 MEMBER LAMARE: But I wonder if I could just make a couple of  
3 other statements about the report.

4 CHAIR WEISSER: Please.

5 MEMBER LAMARE: One is that we're starting to go through these  
6 recommendation by recommendation and comment on them, that's  
7 fine, but number one, I think we need to have something in  
8 the report about the really significant work that we've been  
9 doing that did not have to do with recommendations for  
10 policy change. All of the work and all of the reports that  
11 we've had from Jeffrey and Emily, our new awareness of  
12 particulate in light duty, particularly comes to mind, that  
13 we need to recognize the work the Committee's been doing to  
14 investigate further and more deeply into the Smog Check  
15 Program as well as the specific recommendations that we  
16 have. So in that sense, using the model that we had last  
17 time doesn't quite work for me this time.

18 CHAIR WEISSER: So could you be explicit in terms of what you're  
19 suggesting, Jude?

20 MEMBER LAMARE: I would like our report to reflect our  
21 activities as well as our recommendations. I think we  
22 should have at least a paragraph describing each of the key  
23 issues the Committee has been investigating but does not  
24 have recommendations for as yet. And I single out  
25 particularly diesel I/M, which we did have a presentation

1 on, light-duty particulate emissions control, which we did  
2 have a report to the Committee on, Emily's report on the  
3 economics of the Smog Check industry, and Jeffrey's reports  
4 on deterioration on scrap - I don't know if I could  
5 characterize them, but a series of reports on vehicle  
6 experience and multiple-year historical analysis of vehicles  
7 in Smog Check.

8 CHAIR WEISSER: Jude, let me play devil's advocate for a moment  
9 before I join with you. What does the statute require the  
10 report to focus on, Rocky?

11 MR. CARLISLE: Basically recommendations. First of all,  
12 evaluating the program and making recommendations to the  
13 legislature, which I should mention includes suggested  
14 statute for language.

15 CHAIR WEISSER: What I'm concerned about, Jude, is that we don't  
16 turn the report into an activity report. However, what we  
17 might want to do is to identify these issues that Jude has  
18 enumerated and indicate that this work has shone some light  
19 on the subject that is of interest to the Committee that we  
20 are going to be doing further work on, hopefully leading to  
21 recommendations for program improvement. I want to make  
22 sure it's not merely activities that we've done.

23 MEMBER LAMARE: Right. Areas that might develop into  
24 recommendations -

25 CHAIR WEISSER: There are some interesting things and I think



1       you could highlight, Rocky, in working with Jeffrey,  
2       highlight some of the intriguing questions.

3 MR. CARLISLE: Just identify them as work in progress, but we're  
4       ready to make recommendations on them.

5 CHAIR WEISSER: Yes, that's how I would do it. Jeffrey,  
6       reactions?

7 MEMBER WILLIAMS: I agree.

8 CHAIR WEISSER: Thank you.

9 MEMBER WILLIAMS: I agree but I do want to say that it is of  
10       some use to legislators to think, just to take one example,  
11       the constant separation of test-only and test-and-repair.  
12       We've identified that from Emily's work that chains and  
13       dealers matter and that the analysis and statutes that make  
14       these distinctions may be missing something. It seems to me  
15       more than work in progress.

16 CHAIR WEISSER: I agree. And you've already made some  
17       preliminary - you've reached some preliminary conclusions.  
18       I'm open for that and if you could work together to put  
19       something together in that regard, I'd support what Jude is  
20       saying.

21 MEMBER LAMARE: Well, in response to that, I also found it  
22       really surprising that we spent huge amounts of time on the  
23       Horton letter, and then it's not in the report as a section  
24       about test-only and test-and-repair. But to the extent that  
25       Jeffrey would recommend additional language about findings

1 from the research effort from UC Davis, I think we would be  
2 remiss not to include them.

3 MR. CARLISLE: So on the comparison to test-only, test-and-  
4 repair, and Gold Shield, I don't think we're ready, though,  
5 to make recommendations, but just maybe state our findings.  
6 Is that what you're suggesting?

7 CHAIR WEISSER: That's what I would do at this point, Rocky.

8 MR. CARLISLE: Okay.

9 CHAIR WEISSER: I think you need to come forward with the data  
10 and indicate what the data seems to indicate. It's one more  
11 reference point for the legislature and the administration.  
12 At this point, we are still in our process of trying to  
13 figure out what we would recommend insofar as the directed  
14 vehicles. Recognizing that the legislature has already  
15 entered this dance. Albeit, it's not a measure that's  
16 moving this year. There is activity on the part of some of  
17 the interest groups to have the legislature address the  
18 issue of directed vehicles. One of the issues that I would  
19 like the Committee to look at is the notion of modifying the  
20 approach toward the direction of vehicles so that vehicles  
21 that need to be directed are directed toward higher-  
22 performing stations. That sounds easy, but the first thing  
23 you've got to do is define higher-performing stations.  
24 There are about 16 other things that you need to do also.  
25 That's something that I'm interested in exploring and I know

1 the interest groups have been talking at each other and with  
2 each other on the issues - on that issue. But that's where  
3 this is leading, it seems to me. It's leading to the - I  
4 don't know what the Committee as a whole is going to want to  
5 do, but it's leading to the Committee performing an analysis  
6 and coming forward with its judgments regarding the program  
7 for directed vehicles and for achieving emission reductions.

8 MR. CARLISLE: Agreed.

9 CHAIR WEISSER: I'm sure that's something that we or you will be  
10 addressing next year. Okay. Are there other comments that  
11 you'd like to make at the outset, Jude? Overall issues? So  
12 I don't want what Jude said on the Horton letter to be lost.

13 MR. CARLISLE: Oh, not at all.

14 CHAIR WEISSER: I think that's part and parcel. I think it  
15 needs to be made part of the report. I would use it as the  
16 kick-off for that discussion of directed vehicles.

17 MEMBER LAMARE: You've all received now a copy of this  
18 Principles of Smog Check Evaluation. This was passed out at  
19 various times in the past and it's an attempt to put into  
20 this section of the report some simple findings by the  
21 Committee about how evaluation should take place and what  
22 the whole Smog Check evaluation thing is all about. The  
23 five recommendations, or four recommendations, that are in  
24 this particular draft version have to do with scheduling  
25 activities and reporting. And I'm not sure there's any

1 support on the Committee for this. It just seemed to me  
2 that what we have in terms of evaluation of Smog Check is  
3 not a regular activity, but one that -

4 CHAIR WEISSER: I'm certain that you will enjoy the Committee's  
5 support in this recommendation.

6 MEMBER LAMARE: The DCA, BAR, and ARB review has typically been  
7 delayed months and years and evaluation activities put off  
8 or reports not forthcoming. This is an attempt to say we  
9 ought to have a scheduled activities-schedule reporting and  
10 budgeting for evaluation activities on a continuous basis,  
11 milestones, and that the evaluation should be review in a  
12 public hearing of the California Air Resources Board with  
13 opportunity for public review and comment there. Now, I  
14 think we've talked about that in this group before. I'm not  
15 sure where the Members are since we're charged by statute  
16 with the requirement of reviewing and reporting back to the  
17 legislature, but this would be an additional avenue for  
18 public review at the Air Board where the air quality impacts  
19 could be more carefully looked at. And a third  
20 recommendation was that any evaluated activities should be  
21 routinely budgeted and activities conducted on a continuous  
22 basis with milestones and deliverables. It seems to me on  
23 my time on this Committee that I've heard that in fact the  
24 agencies are typically doing evaluation activities most of  
25 the time, but from time to time they're interrupted or

1 personnel are moved or they cease. And this is just a cry,  
2 a plea, for more regularized reporting and budgeting of  
3 evaluation activities, so people like us know what the  
4 agencies are expected to be doing and whether or not they  
5 are doing it. We have talked numerous times about the need  
6 for roadside inspection, remote sensing, undercover failed  
7 vehicle analysis, and VIN data. And that number four  
8 recommendation is about making those data available,  
9 including the fast-pass. As you recall, one of our  
10 recommendations in the past was that fast-pass should be  
11 suspended for at least a sample of the test to enable the  
12 evaluation of the program. So that's nothing new. And  
13 number five, consumer survey, consumer information surveys  
14 of failed-vehicle owners should be routinely conducted to  
15 determine how well consumers are informed about their  
16 choices and their assessment of the testing and repair  
17 process. So that would sort of set up a separate section of  
18 the report about evaluation.

19 CHAIR WEISSER: It sounds like a good idea to me. What are  
20 other - any Committee Members disagree with that approach at  
21 this point? Then give it shot, Rocky -

22 MR. CARLISLE: Okay.

23 CHAIR WEISSER: - working with Jude and try to move forward.

24 Let's go back to open it up if there's any comments,  
25 additional comments on the consumer information portion?

1 Roger?

2 MEMBER NICKEY: Well, number five, this last sentence just  
3 jumped out at me here. They should include Consumer  
4 Assistance Program eligibility and use and be conducted in  
5 all the languages of failed-vehicle owners. Now, we have a  
6 certain percentage of non-English speaking clients, but I  
7 haven't got a clue what language they are speaking, and I  
8 hand them the information and that's pretty much all I can  
9 do.

10 CHAIR WEISSER: I - it's a good question. I don't know what the  
11 State rules are associated with the publication in languages  
12 other than English to ensure citizens can participate in  
13 government and receive benefits of governance.

14 MEMBER NICKEY: Well, CAP is available in Spanish. You can get  
15 the flyers made, but there are many other languages.

16 CHAIR WEISSER: But there are many, many other languages. And I  
17 don't know what the rules are, Jude, in that regard. They  
18 may be population or percentage of population based in terms  
19 of the requirements that apply to all State programs. And  
20 maybe a little research on that might illuminate us and if  
21 you could come back and let us know what the State  
22 requirements are.

23 MR. CARLISLE: Okay.

24 CHAIR WEISSER: They might already be -

25 MEMBER LAMARE: Right.

1 CHAIR WEISSER: Okay. Thank you, Roger. Others? Okay. We're  
2 going to try to move through Executive Summary part pretty  
3 quickly. The next issues raised here is the organization  
4 placement of Smog Check. And I think the fundamental  
5 question for the Committee is one relating to all the  
6 recommendations that we made in our prior report. Do we  
7 want to, in the Executive Summary, move those to a separate  
8 section which talks about recommendations made in the past  
9 thing that have not been implemented? Do we want to not  
10 include them at all, since we already made the report and  
11 some were accepted and some were thank you, no thank you,  
12 rejected? What's the Committee's thought on that and what  
13 are your thoughts, Rocky? I tend to think that we might  
14 want to separate those recommendations that have been made  
15 in prior years and put them in a separate place in the  
16 Executive Summary and in the report.

17 MR. CARLISLE: Well, the reason I didn't totally separate them  
18 like I did the previous recommendations was because this was  
19 not formally introduced in the last report. This was a  
20 separate issue paper that we had sent to the legislature as  
21 you recall.

22 CHAIR WEISSER: Well done, Rocky. So how do I finesse this? A  
23 piece of me wants to move other issues - in fact, I'll  
24 finesse it by telling you that I will speak to you offline  
25 about this.

1 MR. CARLISLE: Okay.

2 CHAIR WEISSER: I think we probably - and I want to solicit the  
3 Committee's perspectives, do need to report on this and  
4 perhaps even include the letter that we sent on this issue.  
5 But I do what to somehow separate it from some of the other  
6 issues that we've been working on this year.

7 MR. CARLISLE: I would agree with that.

8 CHAIR WEISSER: All right. Jude?

9 MEMBER LAMARE: Given what we heard this morning about the  
10 importance of the SIP coming up in 2007 and the fact that  
11 ARB does want to have an annual Smog Check for older  
12 vehicles or high-mileage vehicles when the SIP is adopted,  
13 they will not be able to include that in the SIP, but it's  
14 very urgent that these 2004 recommendations, in my opinion,  
15 come to the fore as urgent items needing attention from the  
16 legislature immediately to catch up. Because we've actually  
17 had 2005, 2006, with no real response from the legislature  
18 on these 2004 recommendations. And now going into 2007 SIP  
19 without them acting on this, we will be really remiss in our  
20 SIP.

21 CHAIR WEISSER: Jeffrey?

22 MEMBER WILLIAMS: I wanted to agree with that.

23 CHAIR WEISSER: Yes, I think you make a powerful case for moving  
24 those up. So now what we need to do is sort of prioritize  
25 your suggesting the recommendations in this report and I



1 think in the face of the 2007 SIP you couldn't better than  
2 what you've just described in terms of the most impactful  
3 things. The organization issues are, I think, secondary to  
4 emission reduction issues in the short term. Thank you,  
5 Jude. Any comments on the Execute Summary at least on the  
6 Smog Check Program avoidance? Okay. Then let's get our  
7 hands a little dirtier. When we get into the previous  
8 recommendations, I'm on Page 1-5, folks.

9 MR. CARLISLE: I'm just curious, could we back up to Page 1-1?  
10 We didn't talk about the first two items on here.

11 CHAIR WEISSER: Sorry.

12 MR. CARLISLE: No problem.

13 CHAIR WEISSER: Oh, that's because I didn't have any comment.

14 MR. CARLISLE: Oh, okay.

15 CHAIR WEISSER: I didn't bend the page, so let me open it up to  
16 improve station performance through the cut-points, that  
17 whole discussion of the complexities associated with it.  
18 What are - any Committee thoughts on this? The  
19 recommendation would be to revise the cut-points to more  
20 accurately reflect the emission performance capability by  
21 model-year, engine size, blah, blah. Now, I thought this  
22 was a recommendation that was in the CARB report and our  
23 report in the past.

24 MR. CARLISLE: Yes, it did talk about that, but that was after -  
25 tied to after-repair cut-points.

1 CHAIR WEISSER: Yes, but we're not talking about after-repair.

2 MR. CARLISLE: No.

3 CHAIR WEISSER: We're talking about pre-repair cut-points.

4 MR. CARLISLE: Right. First test, this just standardizes the  
5 cut-points so there's no confusion.

6 CHAIR WEISSER: Right.

7 MR. CARLISLE: The after-repair cut-points would have had an  
8 impact, but it would have been very confusing for the shop,  
9 for the consumer -

10 CHAIR WEISSER: I think it would be very difficult to get that  
11 through.

12 MR. CARLISLE: Yes.

13 MEMBER LAMARE: Well, really, aren't we saying that this is a  
14 better recommendation than the 2004 recommendation?

15 MR. CARLISLE: Yes.

16 MEMBER LAMARE: And also, doesn't this change take place through  
17 administrative action only and it doesn't require  
18 legislative - given that it doesn't require legislative  
19 action, it would seem to me that this recommendation should  
20 be like lower down, less visible, less prioritized in the  
21 report and ought to be clear that the agencies have already  
22 been working on implementing it and that we simply concur  
23 that this is a better approach to the issue identified in  
24 2004 policy recommendations.

25 CHAIR WEISSER: That's a good point, Jude. However, I think

1       it's also important to note that this is something that  
2       could impact the 2007 SIP, so that would argue for keeping  
3       its relative place somewhere ahead of the bottom.

4 MALE:   If I may.

5 CHAIR WEISSER:   Please.

6 MALE:   I think it's also important to put something up there  
7       that can actually be accomplished forthwith so that people  
8       kind of get a step, if you will.

9 CHAIR WEISSER:   And it's not without controversy.

10 MALE:   No.

11 CHAIR WEISSER:   There will be those that argue that adjusting  
12       the cut-points making them tighter is your really going  
13       after the wrong target.  You should be focusing all your  
14       efforts on that small percentage of cars that are making -  
15       producing most of the emissions.  And cleaning already  
16       relatively clean cars is not a great idea.  But we disagree  
17       with that.

18 MR. CARLISLE:   Yes, but I don't' think you can argue with seven  
19       tons per day as being a pretty -

20 CHAIR WEISSER:   I can't argue with it.

21 MR. CARLISLE:   Yes.

22 CHAIR WEISSER:   To me it makes sense and it's still cost-  
23       effective.  Okay.  The second item on that page is the  
24       preconditioning work that you did based upon your study.  
25       You characterize it as testimony.  Is that the - I'm not

1       sure -

2 MR. CARLISLE: Well, no. I mean, once again, this requires no  
3       legislative action.

4 CHAIR WEISSER: Yes.

5 MR. CARLISLE: This is something BAR can do.

6 CHAIR WEISSER: Right.

7 MR. CARLISLE: The biggest finding I guess of the survey was the  
8       confusion that exists among technicians out there on  
9       preconditioning because there's absolutely no preset  
10      preconditioning for an ASM test. I mean, there's  
11      recommendations, but there's nothing in law that forces any  
12      technician to follow a procedure. And the confusion exists  
13      because a lot of the technicians said we're not allowed to  
14      precondition. In contrast, State law says you shall  
15      precondition. It's not permissive, it's a requirement. And  
16      so this was kind of a dilemma. But then when you get into  
17      the various types of preconditioning performed by the  
18      technicians, I mean it really does run the gamut.

19 CHAIR WEISSER: I remember the survey well and I think you  
20      recount it pretty well in this report. And I think the  
21      recommendation is solid. Anybody on the Committee disagree?  
22      Roger disagrees.

23 MEMBER NICKEY: Well, I don't know that I disagree. I just want  
24      to whine a little bit. I have a lot of input on the  
25      preconditioning as you hear. Nobody ever talked to me. How

1 do I provide input?

2 CHAIR WEISSER: You can chat with our Executive Officer or you  
3 can chat with everybody right now.

4 MEMBER NICKEY: This will go really fast.

5 CHAIR WEISSER: Cool.

6 MEMBER NICKEY: Because I think the easiest way to standardize  
7 it, right now on the two-speed idle test, after the two  
8 speeds are finished if the machine sees that you're outside  
9 the limits, it calls for a three-minute warm-up and rerun  
10 the two speeds again. Okay. What I'm asking for on ASM is  
11 kind of the same only it doesn't take so long. Most of the  
12 failures for not being warmed up enough occur during the  
13 first portion of the test, the 15-mile-an-hour portion.  
14 Usually what happens is it will run the full length on 15  
15 miles an hour and then it will fast-pass on 30 because it's  
16 finally warmed up or cat woke up or whatever. So what I'm  
17 suggesting is that if they would change the programming so  
18 that if the vehicle failed the 15-mile-an-hour portion,  
19 that's the first 30 seconds or whatever it is, then it would  
20 stop and repeat that one again and then go on to the 25 mile  
21 an hour and that would give it ample time to do a warm-up  
22 and it would all be standardized. They would all be warmed  
23 up for the same amount of time, under the same load, under  
24 the same conditions and that way everybody would be doing  
25 the same thing. The test would be fair.

1 MR. CARLISLE: To be honest, what I was trying to avoid was  
2 getting involved in kind of dictating what the warm-up  
3 procedure might be and leave that to the expertise of BAR  
4 and that would include consulting technicians as well,  
5 because they do have the expertise that. We certainly have  
6 a lot of expertise on this Committee, but they have a lot  
7 more I think in their engineering division that they could  
8 apply to this.

9 CHAIR WEISSER: What our recommendation is as it reads now, if  
10 my recollection serves me correct is that BAR needs to come  
11 up with a better way of communicating and enforcing a  
12 standardized approach toward precondition; is that correct?

13 MR. CARLISLE: Correct, yes.

14 CHAIR WEISSER: That's the - I'm sorry?

15 MALE: I'm sorry. Well, the wording here, define the proper and  
16 clarify and so on.

17 CHAIR WEISSER: Yes. Without actually specifying what that  
18 should be.

19 MALE: Right.

20 MR. CARLISLE: Right. They would define that and then they  
21 could write regulations and define it in regulation because  
22 without that, they can't go out to a shop and say you shall  
23 do this. They need the regulatory authority to do that.

24 CHAIR WEISSER: Roger?

25 MEMBER NICKEY: Yes, Roger Nickey, again. In the manual, there

1 is no procedure for precondition on ASM. It just says you  
2 will verify that the engine's warmed up and you do that by  
3 squeezing the upper radiator hose. It should be warm and  
4 should have pressure in it like that. There's no procedure  
5 for preconditioning. It just says you verify that it be  
6 warmed up. It doesn't specify what that is.

7 CHAIR WEISSER: And what you're suggesting is specific procedure  
8 essentially.

9 MEMBER NICKEY: Yes. We tried actually using a remote-sensing  
10 infrared thermometer and we got whacked for that because I  
11 was told that was diagnosis.

12 CHAIR WEISSER: Okay. Well, I don't know how to proceed, Rocky.  
13 My comfort level is better with what - the more generic  
14 approach that you've recommended, but that is principally  
15 because I'm so ignorant in terms of the realities associated  
16 with running a station.

17 MR. NICKEY: I was just hoping that somebody would ask me.

18 CHAIR WEISSER: Who was the preconditioning - you did the survey  
19 before Roger was on the Committee or was he already -

20 MR. CARLISLE: Yes, I believe it was before.

21 CHAIR WEISSER: Yes, this work had been done about a year ago,  
22 Roger, before you joined. This is the first time it's come  
23 back to all of us, not just you. This is a good time for  
24 you to -

25 MR. NICKEY: You may not recall, but there was, at the very tail

1 end of a meeting when I was first here, you assigned myself  
2 and Dennis DeCota sort of in the same harness chained  
3 together, to address this, but it never really got put in  
4 cement and I never heard from Dennis.

5 MR. CARLISLE: Yes, because I had sent it out. But there was  
6 just - we never had any further discussion.

7 CHAIR WEISSER: Guess what? You and Dennis are now here charged  
8 to work with revising this to the Committee Members'  
9 satisfaction to present to the full Committee for their  
10 consideration at our next meeting. And would you make sure  
11 Dennis knows that and would you -

12 MR. CARLISLE: I will.

13 CHAIR WEISSER: All right. All right?

14 MEMBER NICKEY: Yes.

15 CHAIR WEISSER: Thank you.

16 MEMBER NICKEY: Thank you.

17 CHAIR WEISSER: Moving right along. The next page is a - and  
18 I'm a little bit unsure of this. It's a summary of the  
19 recommendations from the prior report, right?

20 MR. CARLISLE: Yes.

21 CHAIR WEISSER: And I just have kind of a simple question on  
22 these. On both the authorized annual Smog Check inspections  
23 and the - for older vehicles and for high-annual-mileage  
24 vehicles - by the way, I would suggest you put the word  
25 annual mileage, not high annual mileage. It's not really



1 high-mileage vehicles, is it?

2 MR. CARLISLE: No.

3 CHAIR WEISSER: It's annual. Okay.

4 MEMBER LAMARE: It is high mileage.

5 CHAIR WEISSER: No, I don't think so. It always gets referred  
6 to as vehicles that are used more than twice the average  
7 annual mileage, so - but that's a good thing for us to  
8 explore. If I have a Yugo that's gone 300,000 miles, but it  
9 really for the last three years it's only gone 1,000 miles,  
10 does that get inspected?

11 MR. CARLISLE: No, that's a miracle.

12 CHAIR WEISSER: That was a set-up. Okay, Rocky. Or is it  
13 25,000 miles a year or 30,000 miles a year? I had thought  
14 from my recollection from the ARB report and from our prior  
15 discussions that we were looking at it in terms of annual  
16 mileage. If I'm wrong, I'm open for correct.

17 MR. CARLISLE: I think you're right because they were using the  
18 taxicabs as a basis for that.

19 CHAIR WEISSER: So it's not the total mileage on the vehicle,  
20 it's the annual mileage that would click in?

21 MR. CARLISLE: I'd have to go back and read it to be honest.

22 CHAIR WEISSER: It's pretty important - well, Jude?

23 MR. CARLISLE: But you bring up a good point.

24 MEMBER LAMARE: I think the idea was, okay, we've got six years  
25 of exemptions. Of course this recommendation when it was

1 four years of exemptions. But some cars are driven so much  
2 in those first few years that their emission control systems  
3 obviously deteriorate and so as I understood it, it was not  
4 about how much they're driving each year, but the fact that  
5 cumulatively high-mileage vehicles wear out their emission  
6 control systems earlier than average and need to be examined  
7 sooner than average so a way to go around the exemptions and  
8 bring in vehicles that are already starting to fail. As I  
9 recall the report, nobody knew how to do this, so I'm not  
10 sure why we're going back and recommending it again. Maybe  
11 we better look at it.

12 MR. CARLISLE: It was capturing the data that was difficult  
13 because there was no legitimate way to do it on an annual  
14 basis, you know, to capture the total miles on the vehicle.

15 CHAIR WEISSER: So what's your suggestion, Jude?

16 MEMBER LAMARE: I would think we need to go back and read the  
17 original recommendation from the 2004 report and our  
18 discussion about it last time and see if we're willing to  
19 continue to go ahead with this considering that these are -  
20 I think this is an area where you're talking about remote  
21 sensing might be useful because it's going to capture  
22 vehicles that are failing before they're due to come in for  
23 their first Smog Check.

24 CHAIR WEISSER: My recollection, I have not looked at the last  
25 report for well over a year, is that our recommendation here

1 was limited to suggesting ARB and BAR, with their great  
2 expertise, try to figure out a way to deal with how do you  
3 identify the vehicles, a methodology. How do you go about  
4 identifying. That still probably makes some sense.

5 MR. CARLISLE: Mr. Chairman, if I could ask. It might assist us  
6 in expediting the next draft if we could assign  
7 subcommittees to each one of these topics that I could work  
8 with in the next couple of weeks so we could get at least  
9 their approval on the redraft and that way it may be more  
10 complete for the next report - or the next meeting.

11 CHAIR WEISSER: That's a great idea.

12 MR. CARLISLE: Or a subcommittee for the report in general,  
13 either one.

14 CHAIR WEISSER: Well, I think you might need to do a little bit  
15 of both. You may need individual subcommittees as we've  
16 established with Roger and Dennis and you might need some  
17 help from an overall subcommittee in terms of getting  
18 consistency and language and editing. I would, if that's a  
19 decision that I can make, name myself and Jude as the  
20 subcommittee for consistency and editing and structure. But  
21 in terms of the other subcommittees that you would find  
22 helpful, Rocky, I guess what I will do is ask you to come  
23 forward to me following this meeting with a list areas that  
24 you want the Committee's help with your suggestions as to  
25 who on the Committee - not me - will be able to focus in on

1 a particular issue area.

2 MR. CARLISLE: Okay.

3 CHAIR WEISSER: And give you help in that particular issue area  
4 so at least you're walking in then to our next meeting with  
5 two members that theoretically have bought off with what you  
6 have. I hope you're not taking any of the discussion that's  
7 going on today as being critical of you.

8 MR. CARLISLE: Oh, not at all.

9 CHAIR WEISSER: Because I actually feel this report, the writing  
10 in this report and the organization of this report, is miles  
11 ahead of where we were last time, the first draft that we had.  
12 So you did, I think, a good job.

13 MR. CARLISLE: Thank you.

14 MEMBER LAMARE: Yes.

15 CHAIR WEISSER: The comment that I was going to make in both the  
16 annual and the - the annual Smog Check inspections for high-  
17 annual mileage and for older model vehicle years related to  
18 the statements in both regarding the exemption of 1975 and  
19 older models and the allowance of the consumer to pick the  
20 Smog Check station of their own choice. The reason that we  
21 put in the exemption for 1975 or older models is just so  
22 that we didn't unnecessarily inspire paranoia on the part of  
23 older car owners. Is that correct or incorrect, Rocky?

24 MR. CARLISLE: I think that's a good idea. This would have  
25 brought them in actually.

1 CHAIR WEISSER: Excuse me?

2 MR. CARLISLE: This would have brought them in.

3 CHAIR WEISSER: No, I didn't -

4 MR. CARLISLE: Oh, no, I'm sorry.

5 CHAIR WEISSER: This kind of says -

6 MR. CARLISLE: Yes.

7 CHAIR WEISSER: - it would require that the older vehicles -

8 MR. CARLISLE: You bet.

9 CHAIR WEISSER: Is that why we have that in there?

10 MR. CARLISLE: Yes, because we didn't want to - there's a lot of  
11 hobby cars, plus the older model year vehicles, the parts  
12 are getting more difficult to acquire, that kind of thing.

13 CHAIR WEISSER: And I don't have a problem with the selection of  
14 the station. Okay. Any other comments on these two items?  
15 I have to agree with Jude. I think these are issues that  
16 belong toward the front, if not the front, because of the  
17 potential impact on the SIP development. But seeing kind of  
18 the glacial pace that we approach these issues, it seems  
19 hard for me to envision how changes are going to be made in the  
20 timeframe to be included in the 2011 SIP, much less the 2007  
21 SIP. Okay. The next one, smoke test. We've kind of had a  
22 discussion on that. Just in your write-up here, Rocky, I  
23 would think that you might want to move numbers three and  
24 four to the front because it kind of lays out what you're -  
25 one and two seem more technical. That's an editorial. I'll

1 pass that on, I'll give you this copy. Okay. We're going  
2 to get into a little more detail. Are there any other  
3 comments on smoke test?

4 MR. CARLISLE: Do we want to make mention of the fact that AB70  
5 is in play right now?

6 CHAIR WEISSER: Yes, you should. And by the time this report  
7 gets out, it will be either law or history. You have to  
8 write something like at the time of the writing of this  
9 draft, the legislature was considering some - I don't know.  
10 Okay. I'm going to move to the introduction, and I'm  
11 wondering, part of the introduction, California Smog Check  
12 Program, it would be helpful to legislators or anybody else  
13 reading this thing if we try to place the program in  
14 context. You say Smog Check Program is an important  
15 component of the California strategy to improve air quality  
16 and cost consumers almost \$800 million per year. We should  
17 have a statement in there then saying that it results in X  
18 number of tons and Y number of NOx and Y number of tons of  
19 volatile organic compounds and Z number of tons of climate  
20 change or CO2 and Z number of tons of particulates being no  
21 longer emitted due to repairs made after a vehicle fails  
22 Smog Check and is repaired. Something that shows what the  
23 hell the impact of the program is on emission reductions.

24 MR. CARLISLE: Okay.

25 CHAIR WEISSER: A figure, by the way, that is awfully to get

1       one's hands on.

2 MEMBER LAMARE: We have a number from the 2004.

3 CHAIR WEISSER: Yes.

4 MEMBER LAMARE: We'd just say that the 2004 program evaluation  
5 showed these emission benefits.

6 CHAIR WEISSER: Rocky did a - and staff, did a discussion on the  
7 specific vehicle cut-points. Now, is this lifted out of our  
8 earlier report, Rocky, or is this new?

9 MR. CARLISLE: No, that's new.

10 CHAIR WEISSER: Oh, I thought it was pretty darn well written  
11 and whoever did it, good work.

12 MEMBER LAMARE: Well, one exception I would have on Page 2-4,  
13 tighter after-repair cut-points, in the middle of the page,  
14 the last sentence in that tighter after-repair cut-points.  
15 Still the IMRC agrees that tighter after-repair cut-points  
16 might be studied. So perhaps this was a finding that IMRC  
17 came to, but just in case it has not already been expressed  
18 by the Committee, I think it's important to bring attention  
19 to this sentence and determine whether this is indeed what  
20 we want to say about tighter after-repair cut-points.  
21 Personally, this is a very interesting section and it has a  
22 lot of background, arguments pro and con, and so on. But  
23 the bottom line is that the agencies are engaged in, I  
24 believe, an intent to refine cut-points for failure and that  
25 they have backed off of their recommendation for tighter

1 after-repair cut-points.

2 MR. CARLISLE: Right. So maybe -

3 MEMBER LAMARE: And so I don't know that - as I recall this,  
4 when we reviewed this issue in 2004 or 2005, I was willing  
5 to support the agency's recommendation for tighter after-  
6 repair cut-points, but since they have backed off that and  
7 we're not getting any additional information from them about  
8 their assessment on that, I'm now really not comfortable  
9 saying that we, independently, because what information do  
10 we independently have that this is a good or a bad idea?

11 MR. CARLISLE: It's gone.

12 MEMBER LAMARE: I just feel fairly confused by this section.

13 CHAIR WEISSER: Well, we're going to excise it in the next  
14 draft. Okay?

15 MEMBER LAMARE: Yes.

16 CHAIR WEISSER: All right. Any other comments in the next  
17 section? Vehicle preconditioning. I only have one little  
18 edit that I'll give you. I thought this was well-written.  
19 Any comments or concerns or -

20 MEMBER LAMARE: Well, I think it would be appropriate since  
21 Roger, as a Member of this Committee, has suggested one way  
22 to regularize warm-up for ASM that we include that  
23 suggestion as a Member of the Committee has suggested that  
24 this is a way that this procedure could be regularized into  
25 the report.



1 CHAIR WEISSER: Thank you. Good suggestion.

2 MR. CARLISLE: Okay. Do we put that in the recommendation or in  
3 the background?

4 CHAIR WEISSER: Recommendation.

5 MEMBER LAMARE: Background.

6 CHAIR WEISSER: You say background, I say recommendation. It's  
7 a recommendation by one of the Committee Members.

8 MR. CARLISLE: Okay. We'll talk offline about it.

9 CHAIR WEISSER: You guys, yes.

10 MALE: That doesn't sound right. The rest don't recommend it?

11 CHAIR WEISSER: The rest plead ignorance, I don't know. Okay.  
12 The knowledgeable Dennis isn't here.

13 MR. CARLISLE: I think we could put that in but I would again  
14 suggest that we leave the final recommendation up to the  
15 Department. Would that be -

16 CHAIR WEISSER: Yes, I think that's the -

17 MR. CARLISLE: Okay.

18 CHAIR WEISSER: I mean we've had discussion regarding the  
19 section on consumer information study. Jude has a draft  
20 which you should get circulated to the full Committee.

21 MEMBER LAMARE: I think the draft that circulate is simply the  
22 report - the Executive Summary from the prior report that  
23 we've already adopted so, other than wordsmithing, I'd just  
24 say use the same recommendations we had before.

25 CHAIR WEISSER: Then we have the organization placement of the

1 Smog Check Program. Jude?

2 MEMBER LAMARE: The only edit I would add if the Committee would  
3 be indulgent on this is we say in this section, the IMRC  
4 believes the Smog Check Program's effectiveness appears to  
5 be treated secondarily to other considerations by BAR. I'd  
6 like to let go of that concept. But I would like to say  
7 that even though Smog Check is an air quality measure  
8 included in a federally required air quality plan, the Air  
9 Resources Board does not subject Smog Check Program to the  
10 same level of review of other measures that are in the SIP.  
11 And I guess one way, it's not simply a matter that BAR has  
12 other considerations, but that the Air Board is not engaged  
13 in this SIP measure in the same degree as it is engaged in  
14 other air quality measures. So I think that if you want to  
15 keep the first sentence, I would say appears to be treated  
16 secondarily to other considerations by State government.  
17 And that by placing the program in Consumer Affairs  
18 Department and not having it reviewed by the Air Resources  
19 Board, it places the consumer concerns about the program at  
20 a higher level than the air quality concerns.

21 CHAIR WEISSER: Well -

22 MEMBER LAMARE: And I think just rather than the failure of any  
23 particular staff or manager, absolutely we need to emphasize  
24 that. This isn't about the people who are implementing the  
25 program, but the program is not being managed at the level

1       that it needs to be managed for its air quality purpose.

2 CHAIR WEISSER: I'd be willing to add the comment that you - I'd  
3 be willing to support adding the comment that you put  
4 forward regarding the - it's an anomaly that the ARB, the  
5 agency responsible for air quality, doesn't have the  
6 authority or role. But I frankly do believe that in fact  
7 BAR's responsibilities are such that their priorities are  
8 different than ARB's and they tend to focus on the things  
9 that we talked about in this letter and I personally will  
10 not support backing from that statement.

11 MEMBER LAMARE: Okay.

12 CHAIR WEISSER: I mean, I recognize it's spitting in the wind  
13 and you guys, by now, know I respect them, yes I will love  
14 you in the morning, but really do think program direction  
15 for the Smog Check Program should be coming from the Air  
16 agency. That's my belief. I know that many of you disagree  
17 with that. I don't want to back off of that. If I'm outvoted  
18 by the Committee Members I can live with this. But I would  
19 like to add under any circumstances the concept Jude put  
20 forward with regarding this anomaly in terms of ARB's lack  
21 of role. I don't know what else to call it. So let's, if  
22 you would Rocky, work with Jude and I on massaging this  
23 along the lines that she suggested. But if Committee  
24 Members would like to back off of this issue, just let us  
25 know. We'll have a debate and take a vote and decide what

1 we should do. Okay. Tire pressure. I'm on Page 3-18 -  
2 2-18, I'm so sorry.

3 MEMBER LAMARE: Comments on this I think might be good to  
4 include greenhouse gas since the State does now have a  
5 climate action plan and goals for reducing greenhouse gas  
6 and that anything that reduces fuel use reduces the  
7 greenhouse gas. Probably somebody could come up with those  
8 numbers in Cal EPA. And the other thing I would just  
9 question is sunsetting the program in 2014. It says the  
10 program should sunset in 2014 when vehicles with NHTSA-  
11 required equipment would be entering the biennial Smog Check  
12 Program. And then the benefits we have estimated would  
13 begin to be duplicated. I would think you'd want the  
14 program in order to make sure that the equipment that is  
15 going to be required in 2014 is actually working.

16 MR. CARLISLE: Yes, but I think the automatic monitoring systems  
17 would supercede this and so it would be kind of redundant.

18 CHAIR WEISSER: Not so. Jude raised an issue I was going be  
19 raising also. The nature requirement is to - is somebody  
20 snoring in the microphone? Me? Is to require that a  
21 warning light be actuated - it is me - require a warning  
22 light be actuated when tire pressure falls and I believe  
23 it's 25 percent under the recommended level of inflation, so  
24 if you're up 32 PSI recommendation, that light won't go on  
25 until it's 23 PSI. So it's not a low tire pressure warning

1 system. It is a danger. You have your - you don't have a  
2 flat, but you are seriously under-inflated. For that  
3 reason, I do not believe that this round of requirements are  
4 sufficient to go after what we're interested in, in terms of  
5 emission reductions. Yes, it will have a positive salutary  
6 impact on safety, but it's not going to have the sort of  
7 impact you want on efficiency and, therefore, emissions.  
8 Now there are manufacturers who are in the high-end of their  
9 line also building in automatic inflation devices where when  
10 the tire pressure gets two pounds less than the recommended  
11 level, a pump is actuated and that tire is refilled. I  
12 suspect in ten years that's going to creep down and you're  
13 going to - it will be on most, if not all, cars. But until  
14 that occurs, the notion of doing this sort of thing to me  
15 makes sense. I'd like to match it with as the customer  
16 exists the shop, they get a BAR tire inflation gauge, which  
17 is why I want to find out how much those suckers cost.  
18 You're talking, we're talking here a number of the benefits  
19 in the range of tens of millions of dollars and if these  
20 gauges can be bought for a buck each, I wouldn't mind giving  
21 away five million a year if it helps. You might get a lot  
22 of bang for the buck just saying maybe the person will try  
23 it once in a year. Anyhow, I won't suggest we put that in  
24 the recommendations yet, but next month when we get your  
25 cost figures, maybe I'll change my mind.

1 MEMBER LAMARE: Mr. Chairman, just going backwards. I need to  
2 apologize. The report does include CO2 emissions. My  
3 question is whether staff could revisit those and there seem  
4 to be some contradictions here. I could work with you  
5 offline on that.

6 MR. CARLISLE: On the CO2 emissions?

7 MEMBER LAMARE: We might need to - let's just make sure that  
8 this is all consistent in terms of the emissions reductions,  
9 but they are there.

10 MR. CARLISLE: I have consulted with ARB on those CO2 emissions.

11 MEMBER LAMARE: Yes, that was good.

12 CHAIR WEISSER: There's a lot of editorial stuff here that I  
13 scribbled on. I'm unsure as to the question associated with  
14 reduced false Smog Check failures and you're saying that if  
15 one of a 1,000 vehicles were marginal because of low tire  
16 pressure, I guess my whole question is why would a vehicle  
17 fail because of low tire pressure?

18 MR. CARLISLE: It increases the load on the dynamometer.

19 Consequently you have higher NO readings as a result.

20 CHAIR WEISSER: Roger?

21 MEMBER NICKEY: It's increased rolling friction, and if we could  
22 just digress for a moment. Your hybrids have different  
23 tires.

24 CHAIR WEISSER: Yes.

25 MEMBER NICKEY: They're higher pressure, they're narrower,

1       reduce rolling friction. The lower the pressure, the more  
2       rolling friction you have. You get a great ride, but you  
3       get more rolling friction.

4 CHAIR WEISSER: I would advise us to explain then why, in this  
5       item.

6 MEMBER NICKEY: You're going up hill all the time.

7 CHAIR WEISSER: No, I understand. I just - okay. Are there any  
8       other comments or suggestions for this section? Avoidance.

9 MEMBER LAMARE: Question.

10 CHAIR WEISSER: Jude?

11 MEMBER LAMARE: Page 2-22 under background.

12 CHAIR WEISSER: Yes.

13 MEMBER LAMARE: If the vehicle fails a change of ownership test,  
14       they may continue to drive it legally until the next  
15       biennial registration is due. This is very confusing to me  
16       in my over simplistic mind.

17 MR. CARLISLE: That's a typo.

18 MEMBER LAMARE: Is it that we mean a vehicle that fails a change  
19       of ownership test may continue to be operated by its owner  
20       until its next biennial without repairs?

21 MR. CARLISLE: Right. That was -

22 CHAIR WEISSER: So by its current owner.

23 MR. CARLISLE: Right.

24 MEMBER LAMARE: But that would have happened whether he intended  
25       to sell or not.

1 MEMBER WILLIAMS: But the difference is we know it has failed.

2 CHAIR WEISSER: Yes.

3 MEMBER LAMARE: We know it's failed, but it would have failed.

4 It was out there being failed or failing whether we knew it  
5 or not.

6 MR. CARLISLE: Actually what's missing there, a change of  
7 ownership - it should say inspection, it says test. Now  
8 that's not a typo. What they're saying is, for example, if  
9 you have a vehicle, maybe you go to sell it and you just had  
10 an inspection maybe eight months ago, but you go to sell it  
11 and now you need a new one and it fails. Well, now you can  
12 continue until the next biennial event.

13 CHAIR WEISSER: You can't sell it or the new person can't  
14 register it.

15 MR. CARLISLE: Right. So he can't register it, but if he  
16 decides not to sell it, for example, then he just keeps  
17 driving it in its current condition. He's probably not  
18 going to repair it because there's nothing forcing him to  
19 get that completed Smog as a pass.

20 MEMBER LAMARE: However, if he wants to sell it to someone else,  
21 it must pass.

22 MR. CARLISLE: So the thought was still there, it's just that I  
23 need to clarify that.

24 CHAIR WEISSER: Jeffrey?

25 MEMBER WILLIAMS: On this general topic of program avoidance,



1       when does procrastination become avoidance? So we want to  
2       mention something about procrastination here or -

3 CHAIR WEISSER: Yes.

4 MEMBER LAMARE: Yes.

5 MEMBER WILLIAMS: - does anybody want to say -

6 MR. CARLISLE: My goal was to revisit this one based on your  
7       recent findings and if we can actually quantify the  
8       emissions benefit in the meantime to add that in there as  
9       well.

10 CHAIR WEISSER: Well, I doubt that you're going to do that in  
11       the meantime. You think you might?

12 MR. CARLISLE: There's a definite possibility.

13 CHAIR WEISSER: Okay. I'd be impressed if it holds water. What  
14       sort of recommendations do you think this Committee might  
15       want to entertain?

16 MEMBER WILLIAMS: Why is not being late for a Smog Check subject  
17       to the fine, that paying your money is; that's one.

18 CHAIR WEISSER: What about a letter of 30 days?

19 MEMBER WILLIAMS: Yes and you lose the right to have two years  
20       until the next one if you're a terrible procrastinator.

21 CHAIR WEISSER: John?

22 MEMBER HISSERICH: It was a suggestion about the automated phone  
23       call there at some juncture there, which I think is a kind  
24       of prod that is really irritating having just gone through a  
25       political season.

1 CHAIR WEISSER: I will entertain the discussion, but I will tell  
2 you, I have not recovered yet from the hundreds of automated  
3 calls I got during the political season.

4 MEMBER NICKEY: The problem you'd have with that is that the  
5 telephone number is not a part of a vehicle record. You'd  
6 have to acquire all those phone numbers to start.

7 MEMBER LAMARE: I think we should for purposes of surveying.

8 MEMBER NICKEY: Now that everybody has five telephone numbers.

9 MEMBER LAMARE: Yes, it's a tough thing and they change a lot,  
10 but I think if we're going to be successful surveying  
11 consumers about their experience with Smog Check and  
12 especially failed vehicle owners, we really need to  
13 recommend that the State collect a phone number for each  
14 vehicle registration when the registration is due.

15 CHAIR WEISSER: Well, that's a recommendation being made by one  
16 of our Committee Members and if - who's on the subcommittee  
17 that's going to work on this one? Jeffrey and -

18 MR. CARLISLE: Jeffrey and who else?

19 MEMBER WILLIAMS: I don't know, I think it's Gideon.

20 MEMBER LAMARE: Gideon.

21 MR. CARLISLE: Actually, I do know who else. It's Gideon.

22 CHAIR WEISSER: Okay. Well, particularly since he's not here.

23 And if you want to incorporate that recommendation that Jude  
24 just made, please do. I will tell you that it will be a  
25 subject for considerable discussion, but that's cool.

1       That's what we're here for.

2   MEMBER LAMARE:   Privacy issues?

3   CHAIR WEISSER:   Yes, I'm quite serious about what I said.   I'm  
4       just really annoyed about the politicians getting an  
5       exemption from the Do Not Call process.   Robert?

6   MEMBER PEARMAN:   Is the term avoidable pollution a term in the  
7       industry, because every pollution is avoidable to some  
8       respect.   It's a nice term, but do people know what it  
9       means?

10   MEMBER LAMARE:   What page are you on?

11   MEMBER PEARMAN:   It's mentioned three times on Page 2-23 and  
12       with no real explanation.

13   CHAIR WEISSER:   I think it's pretty explanatory.   It is pretty  
14       descriptive.   It's pollution that if you followed the rules,  
15       we would easily avoid.

16   MEMBER PEARMAN:   Easily avoid, okay.   And what kind is that is -

17   CHAIR WEISSER:   There is pollution that occurs even if you do  
18       follow the rules just because the nature of the technology  
19       isn't perfect.   But this is -

20   MEMBER LAMARE:   I've never heard this term avoidable.

21   CHAIR WEISSER:   No, it's never been, but what do you want to  
22       call it?   Is there another phrase?   Procrastinating  
23       pollution.   We'll charge the subcommittee for coming up with  
24       a term of art that satisfies the Committee Members.   You  
25       already have satisfied the Chair.   Jude?

1 MEMBER LAMARE: Now, when we talk about avoidable pollution, are  
2 we talking about vehicles that went through a change of  
3 ownership Smog Check, failed the Smog Check, were not sold,  
4 were not fixed, and we're calling that avoidable, because  
5 those people have a legal right to their vehicles for two  
6 years.

7 MR. CARLISLE: They came up an annual registration. They came  
8 up for a biannual registration in an enhanced area and they  
9 didn't complete, for whatever reason, they never got a  
10 passing smog. They failed the first smog, but didn't get a  
11 passing smog, yet they got their registration.

12 MEMBER LAMARE: How did - how -

13 MR. CARLISLE: So while we could argue that there are reasons to  
14 bypass that feature at DMV, I would be hard pressed to  
15 believe 1.31 percent would be bypassed.

16 MEMBER WILLIAMS: That's bizarre.

17 MR. CARLISLE: Yes and I'm sure it's not.

18 MEMBER NICKEY: It also gives a really low level person an  
19 authority that I don't have even in actually performing the  
20 test.

21 MR. CARLISLE: Well, I think, like Bruce mentioned before, there  
22 would reasons. If you had a print-out - it has happened I  
23 the past where they've presented a print-out with a valid  
24 number and everything and for whatever reason it got lost in  
25 the transfer between MCI and the Department of Motor

1 Vehicles.

2 CHAIR WEISSER: That's a one in 20,000<sup>th</sup> type thing.

3 MR. CARLISLE: Oh, absolutely.

4 CHAIR WEISSER: It's not a one in a 100 thing.

5 MR. CARLISLE: Right. I agree.

6 MEMBER LAMARE: I'm just - on Page 2-23 when you talk about the  
7 results of the last Smog Check inspection for these  
8 vehicles, I -

9 CHAIR WEISSER: Where?

10 MEMBER LAMARE: On Page 2-23.

11 CHAIR WEISSER: Yes.

12 MEMBER LAMARE: At the top of the page.

13 CHAIR WEISSER: Oh, okay.

14 MEMBER LAMARE: The more particular concern is the information  
15 about the results of the last Smog Check inspection for  
16 these vehicles. Are you including change of ownership  
17 inspection there?

18 MR. CARLISLE: No.

19 MEMBER LAMARE: Because two paragraphs down it says how can this  
20 be? As noted above, the main reason for this appears to be  
21 that vehicles failing the change of ownership inspection can  
22 be driven for up to two years without repairs.

23 CHAIR WEISSER: I have the same question.

24 MR. CARLISLE: Wait a minute.

25 MEMBER LAMARE: So -

1 CHAIR WEISSER: But that first introductory paragraph, the more  
2 particular concern, I don't think really show us why we  
3 should be concerned.

4 MR. CARLISLE: Where's Steve? Thank you very much.

5 MR. GOULD: It does (inaudible) -

6 MR. CARLISLE: Okay. It does.

7 MEMBER LAMARE: Well, I don't see that as an avoidable  
8 pollution, Steve. Those folks have a car, they think  
9 they're going to sell it, they take it to smog, it doesn't  
10 pass, they say well I can't sell it now. They - why should  
11 they then be required to go and repair those cars? I don't  
12 get it.

13 MR. GOULD: The recommendation is to change the definition of  
14 what is avoidable or to change the definition of what the  
15 obligation of a person is after he's failed the test.

16 CHAIR WEISSER: So you were -

17 MR. GOULD: That's the heart of the recommendation.

18 MR. CARLISLE: Right.

19 CHAIR WEISSER: Your recommendation would be that if you take a  
20 Smog Check for whatever purpose and it fails, you must fix  
21 your car.

22 MR. GOULD: And that applies to the people who were in the  
23 biennial process that Jeff described today and it applies to  
24 people who do a change of ownership. We know it fails and  
25 why do we want that car on the road? The government knows

1       that it failed, the owner knows that it failed. It doesn't  
2       need an additional inspection. There are no additional  
3       repair costs because the vehicle's going to have to be fixed  
4       eventually anyway. And so why do we tolerate the pollution  
5       which is apparently substantial?

6 CHAIR WEISSER: Good question. Hang on. Roger?

7 MEMBER NICKEY: Roger Nickey. Well, then, that sounds to me  
8       like you're a candidate for a pretest. Now what's going to  
9       happen with pretests? The vehicle fails a pretest, does it  
10      fall in the same category or is the pretest a free one?

11 MR. GOULD: I think you're correct. There are going to be ways  
12      to avoid this. If a vehicle seems like it's going to fail,  
13      you can abort the test.

14 MEMBER NICKEY: You can't abort the test. If you anticipate a  
15      failure, BAR will come out and visit you.

16 MR. GOULD: Well, that's correct, but allegedly it is done, but  
17      again, I think this is an \$800 million program. This is a  
18      no-cost item and it does have some pollution benefits. I  
19      haven't been able to measure them, I haven't been able to  
20      estimate them, but they're free.

21 CHAIR WEISSER: I need to think this through, but some concern  
22      rises up in me regarding we want to provide an incentive for  
23      people getting their cars smogged regularly, in fact, even  
24      early. And this might work. I'm wondering if - I'm fearful  
25      this might work in counter to that, your suggestion.

1 MR. CARLISLE: Well, another option would be to fold in  
2 Jeffrey's recommendation where he was suggesting, for  
3 example, and annual inspection for these ones that are so  
4 late. Maybe you could apply the same thing to the change of  
5 ownership that fails to follow through with a subsequent  
6 repair.

7 CHAIR WEISSER: I'm interested in that. Roger?

8 MEMBER NICKEY: I think annual inspection would fold a lot of  
9 this all into one place, especially with the older vehicles.  
10 Now you're only dealing with nine months. In other words, I  
11 just had my smog inspection, I can use it for 90 days, now  
12 it's 120 days and I want to sell it, and it's only been 120  
13 days since my last smog inspection, not a year and 120 days.  
14 So that would reduce the number of failures since the last  
15 smog inspection for transfer. I think that's a good  
16 argument for annual inspections of older vehicles.

17 CHAIR WEISSER: Who's your subcommittee on this, chief?

18 MEMBER NICKEY: Jeff and Gideon.

19 MR. CARLISLE: No, this was the program avoidance issue. Let's  
20 see. Gideon and Tyrone. Their both gone, perfect.

21 CHAIR WEISSER: Okay. Who is interested in this issue? Are you  
22 interested?

23 MALE: Yes. I have also a comment.

24 CHAIR WEISSER: What's your comment?

25 MALE: I guess the supposition would be if you're selling a car



1 and it doesn't pass, you'll keep it.

2 CHAIR WEISSER: Some will get it fixed, some will keep it,  
3 right?

4 MALE: Many will just sell the car anyway because many private  
5 sales, even though the seller is responsible, many private  
6 sales -

7 CHAIR WEISSER: They never reregister.

8 MALE: The seller says no to the buyer, it's your  
9 responsibility. The buyer gets a car with a sticker that's  
10 good for six or seven months. Just keep driving it. On a  
11 change of ownership, there's no cost limit. You have to fix  
12 it. For some people, you go out and you buy a car for  
13 \$1,000, \$1,500, \$2,000, and all of a sudden you find out  
14 it's going to cost you \$500 or \$600 to fix it. You say the  
15 hell with it, I'm just going to keep driving this until the  
16 tags expire.

17 MEMBER NICKEY: And there's only a very small penalty for late  
18 transfer.

19 MALE: Right. And if you never transfer, you just keep waiting  
20 until the tags and park it out back. There's no penalty  
21 unless you get caught and the police are not real diligent  
22 about pulling you over to check your registration if you  
23 have a valid tag. I think we actually have a lot of  
24 vehicles out there that may be running around that fail the  
25 Smog and just keep driving.

1 MEMBER NICKEY: Well, if there's going to be a committee that  
2 has anything to do with annual testing, I'd like to be on  
3 it.

4 CHAIR WEISSER: So moved. So where should we put it, Gideon and  
5 Roger? So this new subcommittee is Gideon and Roger.

6 MR. CARLISLE: Okay. That -

7 CHAIR WEISSER: Gideon is never going to leave the meeting early  
8 again.

9 MEMBER NICKEY: What is this subcommittee going to be called?

10 CHAIR WEISSER: Rocky?

11 MR. CARLISLE: Well, it was -

12 CHAIR WEISSER: Program avoidance.

13 MR. CARLISLE: - program avoidance -

14 CHAIR WEISSER: Yes.

15 MR. CARLISLE: - but -

16 CHAIR WEISSER: It still is. I mean, isn't it program  
17 avoidance?

18 MR. CARLISLE: It is program avoidance, but if we do this then  
19 we lose our data analyst here.

20 CHAIR WEISSER: The analyst is available for consulting purposes  
21 with one - no more than one -

22 MR. CARLISLE: Right.

23 CHAIR WEISSER: - Committee Member at a time.

24 MR. CARLISLE: We'll have feedback. That'll work.

25 MEMBER LAMARE: Well with staff.

1 CHAIR WEISSER: Well with the staff. You can't - Roger, no more  
2 than two Committee Members can meet at the same time.

3 MEMBER NICKEY: Right, I understand.

4 CHAIR WEISSER: Okay. Anything further on this item?

5 MR. CARLISLE: No, sir.

6 CHAIR WEISSER: And then we have the extraordinarily well-  
7 crafted section three, which is, I think, directly lifted  
8 from our prior report; is that correct?

9 MR. CARLISLE: Yes.

10 CHAIR WEISSER: So -

11 MEMBER WILLIAMS: Let's not edit it.

12 CHAIR WEISSER: I'm really comfortable with it, although there  
13 is one little funny - we do talk about the IMRC is going to  
14 be doing that and it's in this report, so you'll have to  
15 work around with that. Should we talk at all about the  
16 Horton letter? Anything more that we need to talk about  
17 regarding that and how we're going to build that into a  
18 section on directed vehicles and the work that Jeffrey's  
19 done? Are you comfortable you have enough direction on  
20 that?

21 MR. CARLISLE: I think so.

22 CHAIR WEISSER: All right. Are there any further comments on  
23 the report from a high level - organizational level? It is  
24 kind of a report to the legislature of some of the  
25 conclusions that we've reached in our discussions of this

1 past year, year and a half, and it will give the legislature  
2 and others a sense of some of the work that we've been doing  
3 that right now might not be in the form of - lead to  
4 recommendations, but it might lead to recommendations. I'm  
5 comfortable and I'm complimentary to the work that you two  
6 guys have done.

7 MR. CARLISLE: Yes, I can't thank Steve Gould enough because  
8 he's worked a lot on this as well.

9 CHAIR WEISSER: Robert?

10 MEMBER PEARMAN: Just what was planned in terms of comments and  
11 what do you plan to exclude?

12 CHAIR WEISSER: In terms of what?

13 MR. CARLISLE: The comments, yes. That was a hot button issue  
14 last time.

15 CHAIR WEISSER: I'm missing something.

16 MR. CARLISLE: Public comments. What I would suggest is that we  
17 kind of recap the comments in the report, but make it if  
18 somebody wants a complete copy of all the comments, we make  
19 it available on request.

20 MEMBER PEARMAN: Well, these will be comments to this draft  
21 report or comments over the year from people -

22 MR. CARLISLE: No, these would be comments to this draft report.  
23 Once the Committee is satisfied that it's ready for public  
24 review, we'll send it out like we did last time, take the  
25 comments, we'll recap them and put them in this report.

1 CHAIR WEISSER: Who would like to serve on the censorship  
2 committee? I refuse to.

3 MR. CARLISLE: No, I wasn't suggesting censor them. What I'm  
4 suggesting is maybe we don't need as much paper and what not  
5 as we did last time, because they took a significant portion  
6 of the report.

7 CHAIR WEISSER: I'm still looking for volunteers for the  
8 redacting committee to work with Rocky. All right. John?

9 MEMBER HISSERICH: Sure.

10 CHAIR WEISSER: Thank you. And seriously, this is not an  
11 unimportant thing. Yes, sir?

12 MEMBER HISSERICH: And what do you see as our timeline of  
13 actually - I guess there'd be a point where we'd get a draft  
14 out because then you look for comments back and then we  
15 finalize the whole package. What's the timeline you see?

16 CHAIR WEISSER: Let's just play - let's try to work it out right  
17 now. You can probably take a month, Rocky, to work with the  
18 Committee, the subcommittees to come up another draft. You  
19 should be targeting having another draft ready as a work in  
20 progress to this Committee for our July meeting. In other  
21 words, something that's not out for public review.

22 MR. CARLISLE: Correct.

23 CHAIR WEISSER: We then, at that meeting, will do the very  
24 painful process of working through the report until we get  
25 basically approval or approval enough so that final editing

1 is delegated by the Committee to Rocky and me and then it  
2 goes out for public comment. I think at best we might be  
3 able to get something out in the August timeframe, at best.  
4 Then we have a - what's the required period of review,  
5 Rocky?

6 MR. CARLISLE: Thirty days.

7 CHAIR WEISSER: Thirty days. So that's September, then you have  
8 a September meeting where you discuss whether the public has  
9 come up with some good ideas or not and you make a decision  
10 on modifying the report or just putting the good  
11 housekeeping stamp of approval on it.

12 MR. CARLISLE: Right.

13 CHAIR WEISSER: One question is if you modify the report, do  
14 have to go through another public review cycle? Please say  
15 no.

16 MR. CARLISLE: No.

17 CHAIR WEISSER: Find out if that's true.

18 MR. CARLISLE: I will.

19 CHAIR WEISSER: If you do, we're out there. So we're talking -

20 MEMBER LAMARE: Recess.

21 CHAIR WEISSER: We just described an optimal schedule. I think  
22 we'll be in the holiday season if all goes well. I know  
23 Rocky wants to just go on the floor and cry, but that's the  
24 reality.

25 MR. CARLISLE: That's realistic and I think we may be able to

1 meet the October timeframe if things go well. What I will  
2 try to do is at least three or four days before the next  
3 meeting is just to get everybody another draft copy.

4 CHAIR WEISSER: I would so urge you to do that. It's so  
5 important for us, everyone, to go through this with a fine-  
6 tooth comb -

7 MR. CARLISLE: Right.

8 CHAIR WEISSER: So that at least in the meeting you can raise  
9 your major issues and then after the meeting, you'll leave  
10 with Rocky your marked-up version and then he -

11 MR. CARLISLE: Right. The other thing I would suggest is this  
12 be the only topic on the meeting.

13 CHAIR WEISSER: I would vote for that or recommend that that  
14 also be the case.

15 MEMBER LAMARE: So boring.

16 CHAIR WEISSER: It is boring, but what are you going to do? Are  
17 there other subjects that people would like to put on the  
18 agenda that might spice it up a little so we can keep Ms.  
19 Lamare's attention? Does Ms. Lamare have a subject that  
20 she'd like to bring forward like -

21 MR. CARLISLE: Well, if anybody goes on vacation, maybe they can  
22 bring slides, who knows.

23 CHAIR WEISSER: It's painful. I almost wish that the next  
24 meeting we could hold in a facility where we had just a  
25 round table and we could work as a committee and just try to

1 edit it. We don't need to be up on -

2 MR. CARLISLE: You still have to have public attendance.

3 CHAIR WEISSER: So, they could have seats in the -

4 MR. CARLISLE: I'll see what's available.

5 CHAIR WEISSER: If we're editing, it's not a big deal, but I  
6 agree, Jude. It will not be the most exciting event of our  
7 lives, but we've got to get this thing done.

8 MR. CARLISLE: Yes, we do.

9 CHAIR WEISSER: Rocky, if you want to move this study faster,  
10 there's nothing that would preclude us from changing our  
11 meeting schedule to have multiple meetings if people can  
12 make it or subcommittees or groups of us, four or five  
13 meeting at one time, as long as they're noticed and there's  
14 an opportunity for the public to sit in.

15 MR. CARLISLE: Right.

16 CHAIR WEISSER: If you're concerned about the timing of this.  
17 Jude, I don't know what your thoughts are. I think it is  
18 important to get these recommendations out to the  
19 legislation during the recess. Frankly, as long as  
20 something gets out by November, we're okay, because nothing  
21 is going to happen between August and November. You've got  
22 an election year. All right.

23 - o0o -

24 We'll now open up the discussion for public comments on this  
25 subject that we just spent an hour and a half on or anything



1 the public would like to speak on. So we'll ask Mr. Ward to  
2 approach the podium. Randy, avail yourself to these  
3 disinfectant wipes if you have concerns regarding disease,  
4 as you should.

5 MR. WARD: Mr. Chair and Members, Randall Ward, California  
6 Emission Testing Industries Association. I have, I think,  
7 some very serious concerns that I'd like you to take equally  
8 seriously about your approach to the test-only, test-and-  
9 repair issue. I don't think that Dr. Williams and I  
10 disagreed on any of the aspects of his work that he has done  
11 and I don't there was one aspect of his work that he would  
12 not issue a disclaimer to say that this is certainly not  
13 conclusive. It is not something that he could make a firm  
14 recommendation that would certainly give you the  
15 clarification that you'd need at trying to make a  
16 determination as to whether test-only was better than test-  
17 and-repair or vice versa. He was bringing information, it  
18 was preliminary. I think what he did is heard comments. It  
19 asked, in most cases, it raised more questions than it  
20 answered, which was good. I think it was a healthy  
21 discussion, but let me tell you the problem. And, Vic, this  
22 is certainly not a problem that escapes you. Once it  
23 appears in draft or in writing from a public committee, it  
24 all of a sudden has some kind of officialdom and it is used  
25 as something that all of a sudden has been received from the

1 mount. Your Member - a Member here who is not here today,  
2 one of your Members, used Dr. Williams' work and represented  
3 himself as a Member of this Committee to the point where at  
4 least from my perspective, and it's fair to say from my  
5 perspective, basically represented the Committee in saying  
6 that Dr. Williams' work was far more conclusive than it was  
7 on his testimony to AB578. And so I'm saying this has  
8 potentially profound consequences, so when you discuss the  
9 issue of making a recommendation, I think making a  
10 recommendation is fair if you're comfortable in making a  
11 recommendation. But to put information out there that says  
12 this is preliminary work, so it may be helpful in the  
13 legislature's digestion of the issue, I think is really  
14 troubling and it's potentially catastrophic. Okay, I think  
15 right now with regard to this issue, you have a study that  
16 is going on with Sierra Research and the Bureau and the ARB  
17 that all of you had adequate time to comment and see about  
18 the input or provide input to, and they had that testimony  
19 in front of this Committee to take both your and the  
20 public's input and that issue - they're looking at the issue  
21 very hard of, not only durability of repair, but its  
22 relationship, i.e., the air quality benefits, to the method  
23 of Smog Check that we have in the State, i.e., the  
24 separation of the test from the repair for certain vehicles.  
25 So I would ask you to be very, very cautious. It has

1 potentially profound economic consequences and consequences  
2 that you may not guess would occur. I also need to say  
3 something else with regard to performance, Mr. Chair - I  
4 think the Committee - and I recognize for once I'm going to  
5 ask to go over three minutes, which I never do. The issue  
6 of performance is something that I spent a substantial  
7 amount of time on with, again your Member, and his  
8 representatives who are not here today. And this was a  
9 direct request of member of the legislature, not only the  
10 author of AB578, but other important members in the Senate  
11 that are particularly concerned about the issue. We spent  
12 the last - since last October going through the issue of  
13 performance and I will tell you I am the only one that put  
14 anything on the table. Now this is after a hearing where  
15 the proponents and sponsors of AB578 talked about a  
16 performance-based system, which everybody thought, oh,  
17 that's great. We should have a performance-based system.  
18 If that's how you get vehicles, directed or otherwise, and  
19 that's going to be a boon to your economic well-being,  
20 that's what we ought to do. I didn't hear one thing from  
21 them about how you do it. Not one. It wasn't on paper and  
22 it wasn't oral. I heard it expressed as this beautiful  
23 theory, but I never heard one item of performance. I was  
24 the only one that came up with anything. Now I'm not saying  
25 I'm a genius, but I had more than an idea on it. Now I

1 think that's important, too. My idea had to do with a  
2 method of ranking performance that was based on the  
3 statistics that the BAR has every year and, as a side note,  
4 if you try to compare test-and-repair and test-only, you're  
5 not going to get direct comparison. The other thing is fail  
6 rate is only one minor measure of performance. So then how  
7 do you try to compare performance? Well, as you mentioned,  
8 Mr. Chair, it's very, very difficult. But the thought I  
9 had, and it was just a thought, I don't have a corner of  
10 creativity here, was Norm Cavell's long recommended notion  
11 that the Bureau begin to use a mutual settlement agreement  
12 process like every air district does in the State and like  
13 the Air Resources Board does. A mutual settlement agreement  
14 process frees up resources, frees up staff time because  
15 you're not going to court, saves the industry money. The  
16 industry has worked on it with the Bureau and everybody  
17 embraces the concept and it makes enforcement a lot easier,  
18 but it also gives you a very adequate record. So at the end  
19 of the year you can see, specifically from a statistical  
20 perspective, what the regulatory cycle looked like. Now you  
21 spent two meetings on enforcement going back to 2003 and it  
22 was clear on the part of this Committee that they needed to  
23 spend more time on it. Well, you've not been able to do  
24 that and I understand you were precluded from doing that as  
25 a result of a lot of your other endeavors. But let's talk

1 about performance here. You've got 7,000 stations plus  
2 conducting Smog Checks, maybe 8,000. Okay, 2,000 of which  
3 are pretty important, Gold Shield and test-only. What's the  
4 regulatory cycle? Do we know how often they're being  
5 inspected? Do we know what the percent of stations out  
6 there that are having enforcement actions, either serious or  
7 less serious taken against them? We don't know those things  
8 because they haven't been discussed here. And the Bureau  
9 doesn't talk about them. Maybe if you ask them, they would.  
10 But I would say that prior to try to doing anything on  
11 performance, we probably ought to have a pretty good  
12 understanding of what's going on in enforcement. What kind  
13 of problems are - the ease of entry into this mark is  
14 absolutely incredible. Two hundred bucks and you can get a  
15 license. Do you realize that Senator Spear got a license to  
16 go into the Smog Check business? Okay? True statement.

17 CHAIR WEISSER: This is after she couldn't get into the  
18 lieutenant governor's business?

19 MR. WARD: This is prior to the election, much prior to the  
20 election. But I'm just saying the ease of entry is \$200 to  
21 get into this business.

22 MEMBER LAMARE: Do more on enforcement. Thank you, Randy.

23 CHAIR WEISSER: I'm - you know, Randy, you -

24 MR. WARD: I mean that's - if you want to talk about emissions  
25 benefits, there's a whole lot of people in this business

1       that probably shouldn't be there. There's a whole lot that  
2       are effected negatively in the marketplace as a result of  
3       those that shouldn't be there. The Bureau has limited  
4       resources and I'm not saying the Bureau isn't doing their  
5       damndest to maximize the use of those resources. But as a  
6       consequence, it certainly has a profound impact on the  
7       emissions benefits that we're banking from this program. I  
8       just think - I hope I've given you enough of a kernel here  
9       to think about the statistics relative to enforcement -

10 CHAIR WEISSER: You're - you're -

11 MR. WARD: - that relate to performance that have a direct  
12       impact on air quality.

13 CHAIR WEISSER: I'll say that your first three minutes, I  
14       thought you did a pretty compelling argument, Randy, on the  
15       care that we need to exercise in coming forward with even  
16       preliminary data. All the data we've seen varies rather  
17       remarkably. You, I think, justifiably and rightfully,  
18       warned us sort of unintended impacts that preliminary  
19       information, as you characterize it, might have. But I'm  
20       less certain five minutes about what you really were  
21       wanting. But I've kind of figured a way that might spice up  
22       the next meeting to attract Jude's participation and that  
23       would be - and I'm just tossing this out - it might be  
24       interesting to get a 10-minute or 15-minute presentation by  
25       the two principal stakeholder groups, interest groups, on

1 where they see this program going. What we should do is  
2 come up with a list of issues that we'd like them to talk  
3 about for 10 or 15 minutes. One of them being issues like  
4 station performance, directed vehicles, enforcement, what  
5 suggestions they have. I don't know. What do you guys  
6 think?

7 MR. WARD: I'm not sure how productive that would be.

8 CHAIR WEISSER: I don't mean a he said/she said kind of thing.

9 You have been having conversation - we have been having  
10 conversations on enforcement. You just raised a number of  
11 issues, enforcement, barriers to entry.

12 MEMBER LAMARE: We bracketed it while the enforcement monitor  
13 came in.

14 MR. WARD: Who, in my estimation, treated the issue very  
15 casually and really did not pay attention to the  
16 stakeholders within the context of putting his own plan  
17 together. That's my opinion. I think it's others' opinion  
18 that are in the industry as well. I think it would be  
19 echoed by literally every one of the interest groups that  
20 you're familiar with. I think that there is ample  
21 opportunity for discussion. All I'm saying is I don't  
22 disagree with your notion that performance is a way to look  
23 at something. I'm saying it's much harder done than it is  
24 said and I spent the last eight to ten months working on  
25 performance and tried to get someone else to react to it. I

1 had no disagreement with anything that I said or put on  
2 paper, which was simply a white paper for talking purposes,  
3 but it would potential serve as the basis for some  
4 legislation, which was the direction the legislature gave to  
5 me.

6 CHAIR WEISSER: And you received no response?

7 MR. WARD: And I received nothing in comment. Did Rocky send  
8 you the letters?

9 CHAIR WEISSER: I have no idea what you're talking about.

10 MR. WARD: Okay. Well, I think the letters will speak for  
11 themselves and Rocky's welcome to provide both letters to  
12 the Committee because they're public information as far as  
13 I'm concerned. The letters speak to the principle interest  
14 group that I was working with and their ability to be able  
15 to pursue something legislatively and my response to the  
16 action of their Board, my Board's response through me to the  
17 action of their Board. I think it's particularly  
18 enlightening. In any event -

19 CHAIR WEISSER: Excuse me. Thank you.

20 MR. WARD: - you've indulged me -

21 CHAIR WEISSER: Robert?

22 MR. PEARMAN: Actually, Rocky and I had spoke about having the  
23 enforcement monitor update so to speak sooner rather than  
24 later, so I guess my view would be rather than having just  
25 presentations by competing industries groups to maybe have



1 something that dealt with say enforcement or an enforcement  
2 update and that could be a vehicle for those groups and  
3 others to speak up when there's perspectives on that one  
4 topic.

5 MR. CARLISLE: Mr. Chairman, if I may.

6 CHAIR WEISSER: Yes.

7 MR. CARLISLE: Something we've put together, I just haven't  
8 presented it yet, is I've been tracking the enforcement  
9 actions by the Bureau of Automotive Repair. These are  
10 citations issued to shops. We've categorized those and  
11 maybe we can just fold that into a very brief presentation  
12 next month as well.

13 CHAIR WEISSER: I guess I want to get a better sense of what's  
14 the problem. And I was really listening, Randy, and I  
15 didn't get it.

16 MR. WARD: Okay.

17 CHAIR WEISSER: What I've heard in the past are allegations and  
18 anecdotal descriptions of misbehavior and that sort of  
19 stuff, but you know -

20 MR. WARD: It's not misbehavior here. All I'm saying is, you  
21 and I have been around the regulatory environment enough to  
22 know that you have a regulatory cycle and you know who  
23 you're regulating and how often and what portions of those -  
24 that regulated environment you're hitting. I've never seen  
25 a schedule in front of this Committee. I don't recall it, I

1 may have missed it. I've never seen, of that schedule, how  
2 many of those that are being regulated that have been  
3 inspected or visited are receiving violations. Some way  
4 that you could visualize this enforcement program, say  
5 they're on a regulatory cycle, this percent of that industry  
6 is subject to violations and citations, etcetera, what it  
7 means in terms of overall air quality. Certainly, you're  
8 trying to gain performance here so that they're meeting  
9 their obligation under the law which is producing an  
10 emissions benefit. Fair enough? Okay. And I think that is  
11 something that you logically have an interest in, so you  
12 were talking about efficiencies, such as what Dr. Williams  
13 had worked on. What is the cost of having someone exceed  
14 the 90 days prior to a repair in an emissions benefit?  
15 Well, what's the cost to someone who's not operating  
16 properly, who's doing things they shouldn't be otherwise  
17 doing, maybe issued a citation for something that's  
18 compromising - has compromised air quality for who knows how  
19 long. We don't know what that cycle is. And I'm not saying  
20 the Bureau isn't doing their damndest. They may be  
21 strained, like every other State agency is, due to resource  
22 problems, I don't know. But I think it certainly would be  
23 worthwhile for this Committee to find out because I think it  
24 has a profound impact on the subject that you were bringing  
25 up, which was performance. How do you somehow determine

1       who's performing? What kind of environment do you have that  
2       is stimulating good performance as opposed to bad? What  
3       motivation is there or isn't there? What kind of threat  
4       does the industry feel the BAR is to their performance?

5 CHAIR WEISSER: Thank you, Randy.

6 MR. WARD: Thank you.

7 MALE: I actually had a question for him. Well, in relation to  
8       this, of the translating of the anecdotal information into  
9       data, I'm saying that we would rely on you to do it, but I  
10      became aware that through the enforcement side because I was  
11      a participant in an enforcement action against a firm, two  
12      firms, that were interlocking, a test-only and a test-and-  
13      repair that were moving vehicles back and forth illegally  
14      and doing stuff like that, and the investigators that I was  
15      accompanying in this venture told me that there are a lot of  
16      similar kinds of operations going on. It takes a long time  
17      to investigate them and to put together cases, but it would  
18      interesting - and I do follow in the BAR documents that I  
19      get the enforcement actions as we probably all do, but it  
20      would be really interesting to get some sense of how much of  
21      this kind of thing is going on. When you say that for \$200  
22      you can go in the business, I'm aware that there are  
23      transient operations. I see them in the neighborhood.  
24      They're there for it looks like three weeks and then they're  
25      gone. What is that and who tracks that sort of thing

1       because something's going on there.

2 MR. WARD:   You mentioned a hot button, the nepotistic  
3       relationship between a test-only and test-and-repair.

4 MALE:   And that was what was in this case.

5 MR. WARD:   And there are numerous examples of that.   That is a  
6       licensing issue if there's a nepotistic relationship.   In  
7       other words, brother-in-law kind of a game.   Well, what they  
8       have to be able to do in the Bureau is produce some evidence  
9       of a financial relationship between the two.   I have not  
10      heard an instance where that's possible.   Have not heard of  
11      an instance because they don't look at tax records, they  
12      don't look at bank accounts, so how do you prove it?   But I  
13      think these are good questions.   If the BAR has frustrations  
14      with the licensing process and feels that they're hamstrung  
15      because of existing law in being able to do what they  
16      consider to be a worthwhile job in the licensing endeavor,  
17      they ought to tell you.   You can put this with a  
18      recommendation in your report and say there needs to be  
19      something that gives them the ability to prove there's -

20 CHAIR WEISSER:   Okay.   I want to bring this portion of the  
21      discussion to a close and I want to thank for your  
22      passionate and informative remarks, but we have ten minutes  
23      before we have to vacate this room.   I want to make sure  
24      other members of the public have an opportunity to address  
25      the Committee.   I will have a discussion with the Executive

1 Officer of the Committee. My sense is that our next meeting  
2 the must have portion of that meeting is review of this  
3 draft report and that after we have spent time enough to  
4 bore us, but sufficient time for us to know we are ready to  
5 take the next step which is the final editing step where all  
6 the committee members have had a chance to give their  
7 thoughts on each of the new sections that they will be  
8 reading and the revised sections that they will be reading.  
9 At that point in time, I would like to request at our next  
10 meeting a report from the enforcement monitor on issues that  
11 the enforcement monitor believes are present in the program,  
12 broad stroke overview and I would like the principle  
13 interest groups to be ready to give us their two cents on  
14 those issues in terms of outlining specifically areas that  
15 they think might be worthy of the Committee's investigation  
16 in our next cycle of reports. I am particularly interested  
17 in getting a sense from BAR as to where they think this  
18 Committee might be helpful both in terms of any sort of help  
19 we might be able to obtaining additional resources if needed  
20 or legislative authority if needed or anything else you  
21 think we might be able to be helpful at. And we'll leave it  
22 at that. So goal one in this next meeting is the report.  
23 Only after we have gone through that report and so we are  
24 comfortable are we going to move to this but I want both the  
25 agency and the interest group and you better communicate

1 this to whomever runs the interest group to be ready to give  
2 us their two cents on this issue. Randy, you did a very  
3 nice job. We'll go to Mr. Peters now.

4 MR. PETERS: Mr. Chairman and Committee. I am Charlie Peters -  
5 Clean Air Performance Professionals representing a special  
6 interest group - mothers. We have discussed these kinds of  
7 issues to a point where I am sure I'm about ready to make  
8 you all throw up, but I am going to continue to do so  
9 because I think they are really important and I appreciate  
10 that some of this stuff is beginning to be discussed and I  
11 think it's really exciting. Just as a point (audio blank)

12 MALE: -if I don't mention that once again, that would be  
13 interesting, it probably won't ever get done. I'm not sure  
14 it's going to be for July, but better start saying right now  
15 to hear it sometime in this calendar year.

16 CHAIR WEISSER: Would you-

17 MALE: I think it's a crucial subject and we might as well hear  
18 about it-

19 CHAIR WEISSER: I think a number of us would have a particular  
20 interest in that. Thank you. So would you chat, Mr.  
21 Carlisle with ARB?

22 MS. LAMARE: Move to adjourn.

23 CHAIR WEISSER: Are there any further comments? Hearing none -  
24 do we need a motion to adjourn?

25 MS. LAMARE: Move to adjourn.

1 CHAIR WEISSER: I hear a motion to the right by Ms. Lamare. Is  
2 there a second? Seconded by everyone on the Committee. All  
3 in favor signify by saying aye. Opposed no, we're  
4 adjourned.

5 **- MEETING ADJOURNED -**  
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TRANSCRIBER'S CERTIFICATION

This is to certify that I, TERRI O'BRIEN, transcribed the tape-recorded public meeting of the Bureau of Automotive Repair dated June 27, 2006; that the pages numbered 1 through 175 constitute said transcript; that the same is a complete and accurate transcription of the aforesaid to the best of my ability.

Dated July 10, 2006.

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Terri O'Brien, Transcriber  
Foothill Transcription